

EXHIBIT D



POLICY, PROCEDURES AND OPERATIONS MANUAL

PTS of America, LLC

CONFIDENTIAL AND PROPRIETARY

DO NOT COPY OR DISTRIBUTE

Revised: April 1st, 2011



PTS 000001



PTS of AMERICA, LLC

**RECEIPT FOR POLICY AND PROCEDURES AND
OPERATIONS MANUAL**

**I (Print Full Name) _____ am responsible
for reading and understanding the full contents of this Policy and Procedures Manual.
This manual is the property of PTS of America, LLC and shall be surrendered upon
request or upon termination of employment.**

Agent's signature: _____

Date: _____

MANUAL SERIAL NUMBER _____

ISSUED BY: _____

Remove and scan or place copy of this acknowledgement in Agent's personnel file.

TABLE OF CONTENTS

	<u>Page</u>
I. Definitions	1
II. Media	3
III. Reports and Forms Preparation	3
IV. Prisoner Property	7
V. Lost or Misplaced Prisoner Property	9
VI. Purchase Orders	10
VII. Pre & Post Trip	11
VIII. Work Schedules	11
IX. Physical Force/Use of Force	12
X. Searches at Criminal Justice Facilities and During Audits	13
XI. Escape and Attempted Escape	13
XII. Driver, Public, and Prisoner Safety	14
XIII. Vehicle Pre-Trip & Post-Trip Reporting	16
XIV. Vehicle Breakdowns or Malfunctions	17
XV. Searching Prisoners	18
XVI. Use of Restraints	22
XVII. Loading and Unloading Prisoners	24
XVIII. Juvenile Transport	25
XIX. Special Needs Prisoner	26
XX. Female Prisoners	28
XXI. Restroom Breaks	29
XXII. Feeding of Prisoners	30
XXIII. Weaver Stance	31
XXIV. Commercial Air Movement	32
XXV. Transportation of Evidence	35
XXVI. Standards of Conduct	36
XXVII. Gratuities	38
XXVIII. Reporting For Duty	38
XXIX. Pre-Employment Screening	39
XXX. Employee Training	40

Intentionally Left Blank

I. DEFINITIONS

A. A **Legal Document** is the authority required when extraditing, or moving a person from one state to another or from one jurisdiction to another. It is imperative that agents possess the proper authorization and documentation when transporting prisoners. When executed properly, the following documents provide the legal authority to extradite a prisoner out of state:

1. **Body Receipt** - A legal document given to the transport officer of the holding facility documenting receipt of a body. The document should state that someone released the body with the proper authorization at the point of pick-up. **This is not a legal document conferring the authority to extradite a prisoner.**
2. **Court Order** - A legal document issued by a judge that specifies certain duties that are to be carried out by the recipient of the order.
3. **Governor's Warrant** (also called an **Executive Writ**) - Extradition laws provide that the governor of a given state may authorize the extradition of a prisoner without the prisoner's consent. Copies of this document should be provided by the holding agency. A governor's warrant shall suffice as the necessary authority to transport the prisoner to the demanding state. Agents are required to sign a copy or original of the governor's warrant, note the time of pickup, and take copy of the Governor's warrant.
4. **Interstate Compact Agreement** - An agreement between two states to allow the transfer of inmates between the states for a variety of reasons. Documentation for such an agreement may consist of an extensive personnel file or, in some cases, a body receipt and copies of communications between the two states pertaining to the extradition.
5. **Interstate Agreement on Detainer (Form VI)** - An agreement among the signatory states to temporarily relinquish custody of a prisoner to another state so that the prisoner can face charges in the demanding state. Once legal proceedings in the demanding state are complete, the prisoner is returned to the original jurisdiction. When PTS transports prisoners pursuant to this authority, the agents should be given a copy of the relevant documentation prior to their arrival at the holding facility. The holding facility should have a list of PTS agents' names and signatures. The two lists should be compared for further identification purposes. The name(s) of the agent(s) involved in the transfer of prisoners pursuant to this authority must be on the holding facility's signature list. The copy retained by the agent shall suffice as authority to transport the prisoner.

6. **Pre-signed Waiver of Extradition** - A prisoner may waive his/her rights as part of a parole or probation agreement. By signing this document, the prisoner consents to his/her return to the state in which the terms of his/her parole or probation were violated. A copy of this document should be obtained from the prisoner's file at the holding facility if available. If copies are not available, the official documents used in communications between the holding agency and the demanding state regarding extradition shall suffice as proper authority to transport the prisoner. When a pre-signed waiver is not available, the agents shall arrange to use other documents prior to picking up the prisoner.
 7. **Teletype** - An electronic communication from one jurisdiction to another. PTS requires a copy of the Teletype stating that PTS is the transporting agency for a particular prisoner. Teletypes shall occasionally include a date for pick-up, the name of the holding state, the name of the demanding state, and the reason for transporting the prisoner. We do not receive a copy of this.
 8. **Waiver of Extradition** - A document signed by the prisoner and a judge or court representative that constitutes an express waiver of the prisoner's rights pursuant to the local state's extradition laws. By voluntarily signing this document, a prisoner consents to his/her return to a state in which other criminal charges are outstanding. Agents should obtain a copy or original from the holding facility before leaving with the prisoner.
 9. **Writ of Ad Prosequendum** - A document that authorizes the prisoner to go to another state for prosecution.
 10. **Writ of Ad Testificandum** - A document that authorizes the prisoner to go to another state to provide testimony.
- B. **Body Cavity Search** -- This is an inspection for contraband items in the body cavity of a prisoner by use of fingers or medical instruments. **Agents are never permitted to conduct such a search.** If the need for one should arise, an appropriately trained medical person may only conduct it.
- C. **Pat Down** or **Frisk Search** -- This is an inspection of a fully clothed person using the hands, including the search of the prisoner's clothing and personal effects. This could include such things as having an inmate remove objects from his pockets and run his hands through his hair.
- D. **Reasonable Suspicion** -- This is more than just a gut feeling or hunch that a prisoner should be searched, although that can be a part of it. But these suspicions must be supported by **objective, particularly** facts that would reasonably lead an experienced and prudent agent to suspect that contraband is concealed in or on the person of the prisoner.
- E. **R.O.N.** -- This means to "Rest Over Night."

- F. **Strip Search** -- This is a visual inspection of all body surfaces and body cavities. The prisoner is never touched at any time during such a search; but if the inmate is a male, he can be made to lift his genitals and bend over to spread his buttocks for visual inspection. If the prisoner is female, she can also be made to move in such a way as to facilitate inspection of the vaginal and anal cavities, and to lift her breasts. Only an agent who is the same sex as the person being searched may conduct a strip search.

II. NEWS MEDIA

- A. Certain aspects of PTS's operation must remain confidential in order to safeguard the safety and security of the agents and prisoners on each trip. Consequently, employees are not authorized to discuss any aspect of PTS's operations with the news media. All requests by the news media shall be referred to PTS's executive level management.
- B. If the need arises, only the President, or the President's designee, may issue press releases. **PTS personnel shall not make statements to the news media, ever.**
- C. When approached for information by the news media, PTS personnel should answer,
"I am not authorized to disclose any information."
- D. Any violation of this policy will be considered a direct violation of policy and shall be treated with severe disciplinary action up to and including immediate termination.

III. REPORTS AND FORMS PREPARATION

Pre-printed forms are to be completed by PTS Agents. These forms are designed to assist agents with the administrative duties that are required. It is essential that all administrative tasks be completed in a thorough and timely fashion.

- A. **Activity Log** - The following information should be recorded:
1. Name of the Ranking PTS Agent (Officer in Charge) and his/her badge number.
 2. Name of the (partner) PTS Agent and his/her badge number.
 3. The identification number of the van that the agents are using.
 4. The assigned manifest control number.
 5. Page ___ of ___ pages - The first blank identifies each individual number of activity forms used in chronological order. The second blank notes the total number of pages after completion of Activity Log.
 6. Manifest Date – From ___ to _____. - The first blank identifies the date that the manifest begins. The second blank notes the date (month, day and year) that the manifest ended.
 7. Date - Record month, day, and year.
 8. Time In - Record the time of day whenever stopping to conduct business CST.

9. Mileage - Record the mileage reading on the odometer at every stop.
10. Driver/Officer in charge- If the driver is the ranking agent at the time of a stop, an "A" should be recorded. "B" should be recorded if the driver at the time of a stop is the partner. For a 3 person crew, it should list OIC; A and B.
11. Arrival/Departure Location - Record city, state, and any other relevant identification. For example, provide name of jail, restaurant, or gas station.
12. Time Out - Record current time of day in which business has been completed.
13. Number of "POB" - Record the number of prisoners on board when departing an area in which a stop has taken place.
14. Purposes of Stop Comments - Using the codes at the bottom of the Activity Log when appropriate, note the reason for each stop. If there is not a code that corresponds to the reason for the stop, briefly explain.
15. Fuel - Record the amount of fuel sale. If fuel is paid with cash, place an "X" in the block for cash. Record the amount per gallon and the number of gallons on receipt.
16. Prisoner Food - Record cash expenditures for prisoner food at each stop.
17. Agent Lodging - Record cash expenditures for authorized motel expenses if required.
18. Miscellaneous - Record amount of official cash expenditures other than those identified in preceding blocks. Briefly explain in printed words what the expenditure was for.

B. Prisoner Packet -- The prisoner packet consists of

1. Prisoner receipt.
2. Legal forms or copies pertaining to the authorization to transport a prisoner, i.e. Waiver, Governor's Warrant, Court Order, Bench Warrant, etc.
3. Prisoner Status Report (4 pages total); including property and medical pages

C. Prisoner Receipt Form (3 Part NCR Form)

Make all entries in black ink.

1. Billing agency:
 - a) Record the name of the agency requesting the prisoner move.
 - b) Address - Record any portion of the requesting agency's address that is available.
 - c) Assignor - Record the name of the individual who requested the prisoner move.
 - d) Date/Time - Record the date and time that the assignor called to request the move.
 - e) Transport Number - Record the prisoner number assigned by PTS.
 - f) Phone Number - Record phone number of the assignor.
 - g) Vehicle - Record the vehicle's company identification number.

2. Prisoner Information:

- a) Name - Record last name, first name, and middle name if given.
- b) Inmate Number - Prisoner's inmate number(s) at either or both the demanding agency and/or holding agency.
- c) Social Security Number - Agents should always verify the prisoner's Social Security number even if the number has already been recorded.
- d) Race - White = W; Black = B; Hispanic = H; Native American = R, Asian = A
- e) Sex - Male = M; Female = F.
- f) Date of Birth
- g) Height, Weight, Hair Color and Eye Color - Information should be provided in advance of pick-up. Information may be changed after seeing the prisoner.
- h) AKA = Also known as.
- i) Offense - All charges for which the prisoner is being extradited.
- j) Next of Kin - Record name and relationship to prisoner.
- k) Address - Record address of next of kin.
- l) Phone Number - Record number of next of kin.
- m) Prisoner's place of birth.
- n) Warrant Number - Authorization number...if available
- o) Booking Number - Record-booking number of court with jurisdiction.

3. Pick-up information:

- a) Holding Agency - Facility from which prisoner is picked up.
- b) City, State, and Phone Number - of holding agency.
- c) 24-hour Phone Number - Phone number to call after normal office hours.
- d) Contact Person - Person to contact in event of problems arising with pick-up of prisoner.
- e) Signed Waiver - Record date that the prisoner signed his extradition waiver.
- f) Other - Record legal means of extradition other than a waiver.
- g) Check the appropriate box(s), sign and date only after interviewing the prisoner.

4. Delivery information:

- a) Receiving agency - Facility to which the prisoner is being delivered.
- b) City and state or receiving agency.
- c) Contact Person - Person to contact in event of problems arising with pick-up of prisoner. Check the appropriate boxes and sign after the receiving agency has taken custody.
- d) Receiving officer should sign and record the date and time.
- e) Receiving officer should record the identification number and print the name of each inmate taken into the receiving agency's custody.
- f) Additional Information - Record any additional information concerning prisoner issues or special requirements.

D. Prisoner Status Report Form

- 1. Meals - all prisoners in PTS's custody shall receive three meals per day.
 - a) The date should be recorded.

- b) The prisoner shall sign to verify that he/she was given the meals.
- c) Use the legend on the form for type of meal and where procured.

2. Restroom Stops

- a) Each prisoner must be provided a restroom stop approximately once every four to five hours at a secure detention facility. This may be sooner, if required.
- b) Restroom breaks shall be recorded with date and time and initialed by the prisoner.
- c) Signatures and initials shall be made during restroom stops

3. Notification of Local Law Enforcement Prior to a Scheduled Stop 2 hours in advance.

- a) All efforts will be made to notify law enforcement officials at least 24 hours prior to all scheduled stops at any state, local, or private correctional facility for the purpose of loading or unloading prisoners. These arrangements shall be made through the headquarters office unless otherwise specified.
- b) The following items should be recorded:
 - 1. The city and state in which the prisoner is housed
 - 2. The date and time in
 - 3. Manifest number
 - 4. Date and time out

5. Medication

- a) Record "Yes" or "No".
- b) If "Yes", record name, dosage and number of pills provided for each.
- c) A log must be maintained for all medications issued, whether over-the-counter or prescription, and whether in-transit or while housed in a holding facility.

E. Prisoner Property Receipt Form (Page 2)

- 1. Pick-up Date and Location - Record date of original pick-up and location.
- 2. Delivery Date and Location - Record date of final delivery and location.
- 3. Valuables - Make complete list of valuables. Each item should be described as specifically as possible (for example: one ring, yellow in color). Do not guess on the type of metal or stones. **DO NOT** list estimated or actual value.
- 4. Property – List all property that goes into the property bag.
- 5. Agent Signature - Agents must **print and sign** the prisoner property receipt at the time that the receiving agency takes custody of the prisoner's property.
- 6. Monies – Checks, money orders and cash should be recorded separately. The prisoner must verify receipt of his/her money and/or property by signing and dating of the form. Any money over \$50.00 will be converted to a money order and any fee for the money order will be deducted from the prisoner's cash.

F. Medical Treatment Release Section Form

1. Prisoner shall **print and sign** this block near the bottom of back page.

G. Prisoner Manifest Form

1. Agents - Record the names of both agents.
2. Manifest Number - Record the trip number.
3. Transportation Number - Record the assigned prisoner identification number.
4. P/U Date - Record the date that the prisoner was picked up from the holding agency where his/her trip began. If the prisoner has been picked up from a stash point, the pick-up date recorded should still be that of the date at which the prisoner's trip began.
5. D/O Date - Record the date at which the prisoner was delivered to his/her final destination. If the prisoner has been left at a stash point and is not to be delivered to the final destination, leave this block blank.
6. Prisoner's Name - Record prisoner's name last name first.
7. If the prisoner is female, indicate that on the form.
8. Original P/U Location - Record the original city and state from which the prisoner was taken, if the prisoner has been taken from a stash in a different location.
9. Original Destination - Record city and state of the receiving agency.
10. P/U /In Transit Housing Location/Date - Record the city and state as well as the date of the location from which the prisoner is taken from the **ITH (In Transit Housing)**. Leave property and paperwork with facility.
11. D/O ITH Location/Date - Record the city and state and date at which the prisoner was dropped off in ITH status. Leave property and paperwork with facility.

IV. PRISONER PROPERTY

- A. It is essential to establish procedures for the custody, care, and transportation of prisoners' property. The following information is for your protection as well as the prisoner's. Each procedure must be carefully followed.

- B. The maximum amount of property transported by PTS shall not exceed a volume of 9" x 12" and all pertinent legal papers, unless directed otherwise by Agent Supervisor.
- C. All property as well as valuables, such as cash, checks, jewelry, wallets, etc., all prisoner property shall be placed in designated property bags for transportation.
- D. Each bag should be marked with the prisoner's name, transportation number and destination City & State.
- E. This information should be printed with a permanent marker on the bag itself.
- F. Valuables, such as cash, jewelry, checks, wallets, and other items of special value, shall also be sealed in the property bag.
- G. Agents shall properly safeguard each bag containing a prisoner's property until the prisoner has been delivered to the receiving agency.
- H. PTS shall not transport a prisoner's property or any other item that could create a potential safety hazard and/or require special handling.
- I. Prisoner property shall not be transported in the containment passenger area of the van. Prisoners shall not be permitted access to prisoner property at any time.
- J. All prisoner property of potential value shall be listed on a property receipt form, which will require the prisoner's signature, and the agent will retain the original, which will be submitted to PTS at the conclusion of the trip.
- K. PTS **will not** transport the following prisoner property:
 - 1. **Anything** that would not fit into a 9" X 12" property bag.
 - 2. Any type of weapon, including knives of any size.
 - 3. Methadone or other narcotics.
 - 4. Food, drink and toiletries.
 - 5. Electronic devices or appliances **unless** waiver of responsibility is signed.
 - 6. Tools and associated equipment.
 - 7. Sporting goods or equipment.
 - 8. Tobacco products and matches/lighters **shall NOT** be transported.
 - 9. Alcoholic beverages.
 - 10. Illicit drugs and paraphernalia.
 - 11. Glass items or other items that may be sharp or made sharp or pointed

V. LOST OR MISPLACED PRISONER PROPERTY

- A. Every piece of prisoner property, which is brought back to corporate headquarters or a regional office, will be inventoried and stored at that location.
- B. All attempts will be made immediately by the agent department to ascertain where the owner is located at that time, and the property will be forwarded immediately.
- C. If prisoner property is lost and the prisoner has to be reimbursed, the last OIC handling the property or the drop off OIC will be held financially responsible. If an OIC accepts a prisoner from another team or ITH (In Transit Housing) without property and fails to notify PTS with an incident report, this OIC accepts the responsibility of the prisoner property.
- D. Contact by an Agency - All requests by an agency will be forwarded to the agent department.
- E. Contact by a Prisoner or Family Member

1. If a prisoner or prisoner's family member contacts PTS and wants to ascertain information in regards to his/her property the standard answer by the employee answering the phone will be:

"Please make request for the property in writing and the letter must contain":

- a) Full name (and possible aliases used while being transported)
 - b) Other identifying information, i.e. SSN
 - c) City, agency and date of pick-up
 - d) City, agency and date of drop-off
 - e) Description of property in detail
 - f) Estimated value of each piece of property
 - g) Return address (preferably home address with authorized recipient)
 - h) Phone number (not a work number)
2. The following address will be given to the requestor:
- PTS of America, LLC
P.O. Box 121591
Nashville, TN 37212
3. At no time will a name of another PTS employee or his/her number be given out to a prisoner or his/her family, or a call forwarded to an extension. Only requests in writing by prisoners and their family will be acknowledged.
4. The written request will be forwarded to the Director of Operations, who will in turn, locate the property. Accounting will provide copies of the prisoner property sheet and prisoner receipt. If the property is not located, the Director/Manager then will contact

the requestor, relate the information and, if the requestor demands reimbursement, the request along with copies of the prisoner receipt and property sheet will be forwarded to the President.

5. Once the value of the lost property is determined, the executive board will determine if an OIC was negligent in the loss and liable for reimbursement which will occur by deduction from the OIC's pay. If liable, the OIC will be notified and given five (5) working days to appeal the deduction.

VI. PURCHASE ORDERS

- A. Purchase Orders for hotels are paid by the company only.
- B. It is imperative that the appropriate Purchase Orders number (PO#) is matched with the respective trip manifest folders in order to ensure that trip charges are billed accurately. The OIC must obtain PO # within 24 hours of the expenditure.
- C. It is the policy of PTS to require agents to give an adequate and accurate accounting of all trip expenses. This includes all expenses incurred by agents while in the field. Agents are required to obtain authorization from his/her Trip Manager for the following expenses if required:
 1. Prisoner medication
 2. Prisoner food (special meals)
 3. Prisoner supplies
 4. Agent housing
 5. Agent supplies
 6. All other reasonable expenses incurred on the trip.
- D. When authorization is given, a record is kept on a Purchase Order sheet. By recording all expenses, it is possible for the Accounting Department to reconcile the manifest trip record that is kept in Accounting with the trip expenses that are actually incurred. Officers in Charge (OIC) are responsible for all trip expenses.
- E. OIC's must request a Purchase Order authorization before making expenditures. Each employee authorized to write Purchase Orders will be issued a specific number of Purchase Order sheets in order to facilitate the tracking of Purchase Order numbers issued.

VII. PRE & POST TRIP

- A. **Manifest:** Will be turned in upon completion of trip before OIC departs PTS. No manifests will be taken home. A manifest contains sensitive and other legal documents, and also documentation pertaining to corporate expenditures and billing. Failure to turn in a manifest will delay payment of your salary/wages and also can cause deductions from your pay. Disciplinary action may be taken.
- B. **Vehicles & Equipment:** **Will be turned in clean, serviceable and full of fuel.** Failure to return equipment as above, will lead to payroll deduction of \$25.00 per agent.
- C. **Prisoner Property:** Will be released personally by the OIC to a Agent Director or Manager if it is determined that the OIC failed to release or return property to the prisoner or drop off location, \$20.00 will be deducted from the OIC's pay for shipping and handling.

VIII. WORK SCHEDULES

- A. Trips are scheduled to best meet PTS's commitments to its clients. PTS must utilize a systematic approach to scheduling.
- B. An agent is expected to be available for an assignment no more than 7 days after their last trip completion.
- C. If an agent requires additional (or guaranteed) time off, the agent must contact the office in advance and request time off from the Director of Agent Operations.
- D. Agents are required to submit a Request for Leave 30 days before their requested leave date. Emergencies are an exception.
- E. Failure to submit the required request shall result in a breach of this procedure and appropriate disciplinary action.
- F. Agents off and not on approved leave will report by phone, fax or e-mail to the Agent Director of Operations on their 5th consecutive date off.
 - 1. Agents will return calls to the Agent Director or trip manager within 6 hours (if a voice or text message is delivered)
- G. Failure to report properly may result in disciplinary action.
- H. Once an agent has confirmed a trip with the Agent Department, failure to report at the time stated, shall result in the agent being listed as tardy. Failure to report shall be treated as work abandonment and constitute immediate termination. All trips will last at least 5 consecutive days, emergencies excepted.

IX. PHYSICAL FORCE

- A. Force may only be used when it is reasonable and necessary. This means that force must be used to the degree that it is necessary to get the job done and no more. The reasonableness of the force is determined by the amount of force being responded to and the existence of non-forceful alternatives. All use of force must be reported directly to the Agent Director immediately as well as an Incident Report completed.
- B. Physical force for the purpose of this manual:
1. Physical - exerted against the body of another
 2. Force - power or coercion against another
 3. Minimum - the least amount or degree that is necessary to bring the situation under control.
 4. Necessary - cannot be accomplished without, indispensable
 5. Quell - to stop, end, subdue or quiet
 6. Absolutely - positive, definite or actual
- C. You have the right to use force:
1. In self defense
 2. In defense of others
 3. To prevent a crime, including escape
 4. To maintain order and security
 5. To quell a disturbance
- D. Chemical Agents -- Chemical agents approved by PTS and carried on the transportation vehicles may be used if an agent feels that bringing the situation under control cannot be accomplished without it.
- E. Deadly Force -- Deadly force may be used only to prevent serious bodily harm or death to yourself or another person. All appropriate non-deadly force means shall be attempted first, if the situation allows time to do so.
- F. Prisoners must be treated fairly, professionally, humanely and with dignity. In the event that the use of physical force becomes necessary, only the minimum force necessary to control the situation will be used.

- G. Agents will maintain constant awareness of prisoner conduct, behavior, attitude and moods. A prisoner who becomes agitated or displays a hostile mood should first be reasoned with in a diplomatic manner.
- H. If the above fails and the situation has escalated, the agent should seek the assistance of law enforcement authorities if possible.
- I. All reasonable means of restraint may be used to subdue an extremely violent prisoner. This does not include the use of deadly force unless the criterion cited in the definition of deadly force is present. During an altercation, the safety and security of the other prisoners and the agents should always be kept in mind while attempting to quell the problem.
- J. The techniques and amount of force used shall be consistent with the severity of the situation.
- K. If an altercation occurs, and force of any kind is used, the agents involved shall complete an individual written report of the incident, and forward same to the Supervisory agent as soon as practical.

X. SEARCHES AT CRIMINAL JUSTICE FACILITIES AND DURING AUDITS

- A. All agents and their personal property, and company vehicles are subject to be searched by other agencies while on their property/jurisdiction. Refusal to be searched while on the property of a correctional institution, detention center, jail, prison, or any other criminal justice facility can lead to arrest and/or prosecution, and will lead to termination from employment.
- B. The management of PTS in order to support security and legal issues pertaining to transporting prisoners is allowed to search/inspect all agents, their personal property, and company vehicles at all locations. These searches/inspections are for items which violate PTS's policy and/or which are considered contraband at any criminal justice facility. This includes random drug screening.
- C. Refusal to be searched or screened for drugs will lead to immediate termination.

XI. ESCAPE AND ATTEMPTED ESCAPE

A. Definitions:

- 1. Escape - to break custody, leave without proper release, and/or unauthorized departure of prisoner from agents' control.
- 2. Attempted Escape - attempt to break custody, possession of tools, instruments, or weapons (i.e., items that could be transformed into homemade weapons and/or items that could be used as lock picks or other tools that could aid an escape) that could potentially aid in a prisoner's unauthorized departure, and the overt effort to use the above. All incidents of this type must be reported to the Director of Operations as soon as possible.

- B. Agents should take all possible precautions to maintain control of prisoners entrusted to PTS' custody. In the event of an escape, agents should use reasonable force (i.e., only the minimum force necessary) to retain custody of the prisoners.

SEE SECTIONS REGARDING USE OF FORCE

- C. Agents should follow the proper procedure when applying restraints.
- D. Agents should take note of prisoner mood and/or attitude changes.
- E. Agents should remain alert and take note of any unusual prisoner sounds or movements.
- F. Agents should use extreme caution when loading and unloading prisoners and should always assist them in and out of our vehicles.
- G. Agent should use extreme caution during feeding, stretch, and restroom breaks.
- H. The safety of agents, civilians, and other prisoners should be a priority during an escape attempt.
- I. In the event of an escape, agents shall notify appropriate State and local law enforcement and provide them with complete descriptions of the escapee(s) and the circumstances of the escape within 15 (fifteen) minutes of the incident. Agents must then:
 - 1. Secure the vehicle and the remaining prisoners.
 - 2. Notify PTS headquarters immediately after notifying local law enforcement.
 - 3. PTS Headquarters will notify the client as to the situation.
- J. In the event of an attempted escape, agents should fill out reports and the necessary paperwork and notify, PTS headquarters, unless circumstances warrant notification of local authorities. Agents should notify PTS headquarters and the receiving agency of any potential problems or threats of escape by prisoners.
- K. In the event of escape or attempted escape, a written report of the incident will be made and provided to Trip Management and all relevant agencies.

XII. DRIVER, PUBLIC AND PRISONER SAFETY

- A. There must be at least one agent for every six violent offenders being transported. Vans are to carry no more than twelve (12) prisoners at one time. Cars may carry no more than 2 (two) prisoners at one time.

- B. Employee Uniforms and Identification -- All agents must wear PTS approved uniforms at all times while engaged in the transportation of prisoners. This includes displaying their photo ID on their uniform and or badge. This ID must be visible at all times.
- C. Safety Standards For Prisoners During Transport -- All vehicles must be maintained and equipped with the minimum of the following equipment:
 - 1. Cellular phone
 - 2. First Aid Kit
 - 3. Fire Extinguisher
 - 4. Flashlight
 - 5. Fluids for the vehicle
- D. At no time will a prisoner be restrained with tape or in any way that would restrict their breathing.
- E. Agents are never to use abusive language, profanity or make comments of a sexual nature at any time. At no time will agents make sexual comments or have any discussions of a sexual nature around or near prisoners. That includes conversations of a sexual nature even when prisoners are not present.
- F. The use of excessive force to restrain a prisoner is strictly prohibited. Only the minimum force necessary to subdue a prisoner may be utilized. Agents shall never touch prisoners unless their partner is present. At no time will restraints be used for punishment.
- G. PTS Agents shall operate vehicles in such a way as to maximize the safety and security of prisoners and agents alike.
- H. Prior to the beginning of an assignment, the vehicle will be checked thoroughly. The agents will make certain that all safety devices are in a safe and fully operational state of repair (see pre-trip inspections of security vans).
- I. Agents will not consume any amount of alcohol within a minimum of 24 hours before reporting for duty (start trip), and none during RONS. Note: RONS are paid duty hours.
- J. Agents will not use illicit drugs, or any substance, which violates DOT rules & the FMCSR.
- K. If an agent intends to use prescription or over-the-counter medication during a trip, he/she must notify a supervisor a minimum of twenty-four hours prior to trip departure.
- L. Agents shall adhere to all local speed and traffic laws. Agents who receive traffic citations must report any and all citations to PTS Operations and may be subject to discipline. If Agent holds a CDL License, any citations received either on or off duty shall be reported.

- M. Agents will remain alert while driving and avoid following other vehicles too closely.
- N. Agents will make the appropriate speed adjustments in the event of inclement weather or poor visibility.
- O. Agents will be aware of the stopping distance required for a vehicle, whether loaded or unloaded.
- P. The driving agent must be conscious of his/her responsibility to the passenger and the prisoners.
- Q. The driver will be careful and stay alert at all times.
- R. When backing a vehicle, a ground guide will be used when needed.

XIII. VEHICLE PRE-TRIP & POST-TRIP REPORTING

A. Definitions:

- 1. On Road Repairs - Any vehicle repair affected during the trip not performed at a PTS approved facility.
- 2. Vehicle Damage - Any physical damage done to the vehicle by accident or incident.
- 3. Spare Parts - Parts carried on board the vehicle commonly needed during the trip.

- B. It is the responsibility of the OIC to complete the vehicle trip report in full, or through delegation, with all required attachments and submitted in a timely manner.

C. Before the Trip:

- 1. Fill in vehicle number, odometer reading, date, OIC name, and manifest number.
- 2. Inspect the interior and exterior of the vehicle and note any damage.
- 3. Check fluids, tires, air pressure, lights, heater and air condition operation, spare parts, etc., and check the appropriate box if OK.

D. After the Trip:

- 1. Fill in date and odometer reading.
- 2. Check any appropriate box that indicates a malfunction or problem that you have experienced or noticed. Use the comments section to explain anything that is not listed.
- 3. Indicate if there has been any vehicle damage. If yes, attach a copy of the incident report that is turned in with your final trip report.

4. If there has been any on the road repairs, attach copies of all receipts.
5. Note amount of oil consumed during trip.
6. Note any spare parts used.

XIV. VEHICLE BREAKDOWNS OR MALFUNCTIONS

A. Definitions:

1. **Breakdown** - Mechanical failure or situation creating an unsafe condition or preventing further operation of the vehicle.
2. **Malfunction** - Mechanical failure or situation where vehicle fails to perform within normal parameters but is able to operate until repairs can be scheduled.

- B.** It is the responsibility of each agent or officer in charge to establish a line of communication between the trip coordinator, agent department, and vehicle operations & maintenance department in the event of a vehicle breakdown or malfunction.
- C.** In the event of a vehicle malfunction or breakdown, agents will see to the safety and security of agents and inmates.
- D.** In the event of a vehicle malfunction or breakdown, the agent will communicate with the Trip Manager via telephone.
- E.** The Trip Manager will record all pertinent information:

1. Agent name
2. Vehicle number
3. Nature of breakdown or malfunction
4. Location of vehicle
5. Phone number where agents can be reached

- F.** The Trip Manager should contact the vehicle operation & maintenance department, or the on call maintenance supervisor.
- G.** On road breakdowns – 1.) Call should be placed to 911 for law enforcement assistance. Agents **WILL NOT** remove inmate(s) without having a LEO on site. If inmates need to be removed from the van they should be seated at least 25 feet from the side of the road with interconnects in place.
- H.** The agents should, while involved in the conference call, relate the nature of the vehicle problem to the Maintenance Manager.

- I. The Maintenance Manager will determine the extent of the problem(s) and recommend a course of action.
- J. The agent(s) should assist in matters such as arranging towing, securing repair assistance, housing prisoners, etc.
- K. In any event, the agent(s) should not take it upon themselves to make decisions that will affect trip scheduling, towing or repair costs, etc., without the Trip Manager's approval.
- L. The Trip Manager shall make all final decisions regarding delaying the trip, scheduling repairs, or procuring alternate transportation, etc.
- M. The vehicle operations & maintenance department should approve all repairs. This includes choice of repair facility, extent of repairs, and cost approval.

XV. SEARCHING PRISONERS

A. Definitions:

- 1. **Contraband** - Any item, whether intrinsically legal or illegal, which could potentially jeopardize the safe transport of prisoners. The definition of this term shall include, but not be limited to the following: any weapon or material that could be transformed into a tool; any prescription or nonprescription drug, whether legal or illegal, that has not been approved by medical personnel; any form of alcoholic beverage; any escape plans or diagrams; any item that could potentially jeopardize the safe and secure transportation of prisoners; any item prohibited by law.
- 2. **Pat Down Search** - Clothed body search.
- 3. **Prisoner** - Person held in legal custody.
- 4. **Search** - to examine carefully, go over, to reveal concealed material or contraband.
- 5. **Strip Search** - A search in which all articles of clothing are removed and checked and the prisoner's unclothed body is visually searched for contraband. Strip searches shall always be conducted in a private area, not visible to those not involved in the search.

B. UNDER NO CIRCUMSTANCES SHOULD AN AGENT TOUCH A STRIPPED PRISONER'S UNCLOTHED BODY.

- C. PTS agents prior to departing the secure area of a holding facility must search prisoners under PTS's custody. An exception may be made only if the prisoner being taken into PTS custody is a female and a female agent is not available to do the search. Under these circumstances, the use of the holding facility's personnel to conduct the search is acceptable.

D. UNDER NO CIRCUMSTANCES SHOULD A MALE AGENT PAT DOWN OR STRIP SEARCH A FEMALE PRISONER; A FEMALE AGENT MAY CONDUCT A PAT DOWN SEARCH OF A MALE PRISONER IN AN EMERGENCY, BUT MAY NEVER PERFORM A STRIP SEARCH OF A MALE PRISONER.

E. Strip searches of prisoners may be conducted at the following times:

1. Following a prisoner's contact with the general public.
2. If there is documentation that a particular prisoner has escaped or attempted to escape in the past.
3. If contraband is discovered on or near the prisoner during a pat down search.
4. When there is a reasonable suspicion to believe that a prisoner is concealing contraband on his person.

F. Whenever possible, a strip search should be conducted following the below listed proper procedures:

1. The prisoner should be moved to a convenient area within the facility. The area should be checked for contraband and no onlookers should be present, except for facility personnel or other PTS agents.
2. Agents should take care to maintain security while remaining cognizant of the prisoner's privacy concerns.
3. Agents must maintain constant visual contact with the prisoner in order to prevent the disposal or hiding of contraband.
4. Agents should wear protective gloves when conducting a strip search.
5. The agent should ask the prisoner to face the agent, remove his/her shoes one at a time, handing each shoe to the agent.
6. The agent should carefully physically examine the inside and outside of each shoe, shaking each shoe, and striking the heels against the floor in order to determine whether the heels are hollow. Insole should be removed and checked.
7. The prisoner should be asked to remove his/her socks and turn them inside out.
8. **AGENTS SHOULD BE AWARE THAT SHOES AND SOCKS ARE A COMMON PLACE FOR HIDING OF CONTRABAND. SPECIAL CARE SHOULD BE TAKEN TO OBSERVE THE PRISONER DURING THIS PROCESS.**
9. The prisoner should be instructed to remove his/her trousers and pass them to the agent. The agent should carefully examine the trousers and place them next to the prisoner's shoes and socks.
10. The prisoner should be instructed to remove the underwear bottoms and turn them inside out. The agent should place the underwear next to the trousers.

11. The agent should instruct the prisoner to remove his/her shirt and pass it to the agent.
12. The agent should carefully examine the shirt and place it next to the trousers.
13. The agent should follow the same procedure when examining the under shirt (for females, bra and slip).
14. **STRIP SEARCHES ARE TO BE CONDUCTED ONLY BY AN AGENT OF THE SAME GENDER AS THE PRISONER.**
15. The unclothed prisoner should be asked to face away from the agent, bend at the waist, and spread the cheeks of the buttocks then squat and cough.
16. The agent should instruct the prisoner to raise one foot at a time and wiggle toes so that the agent can examine the bottom of each foot.
17. The prisoner should be instructed to face the agent and lift the testicles in his (the prisoner's) hand.
18. Female prisoners should be instructed to squat and cough.
19. The prisoner should be instructed to lift his/her arms above the head. The agent should visually examine under the prisoner's arms.
20. The prisoner should be instructed to comb his/her fingers through the hair, bend down and shake out the hair.
21. The agent should instruct the prisoner to turn to the left and pull down the left ear so that the agent can look behind and into the ear. The agent should then repeat this procedure on the prisoner's right side to inspect behind and into the right ear.
22. The agent should instruct the prisoner to face the agent and tilt the head upward to allow a visual inspection of the nostrils.
23. The agent should instruct the prisoner to bend his/her head backwards, open the mouth, and move the tongue back and forth and run his fingers over gums.
24. The agent should ask the prisoner if he/she wears contact lenses or dentures. The prisoner should be reminded that he/she is responsible for his/her own dentures or contacts lenses.
25. The agent should ask denture wearers to remove the dentures. After examining the dentures, the agent may return them to the wearer.
26. The agent should carefully inspect for contraband any cast, brace, or artificial limb.
27. If the prisoner wears bandages, the agent should ask a member of the holding facility's medical staff (if available) to examine the bandages for contraband.

G. Pat down search:

1. A pat down search, or clothed body search, may be conducted on a prisoner at any time.
2. Procedure -- Upper Body:
 - a) When conducting a pat down search, the agent should wear latex gloves.

- b) If the prisoner has anything in his/her pockets, he/she should be instructed to remove the items and place them on the floor or on a table.
- c) The agent should carefully examine all property taken from a prisoner.
- d) The agent should instruct the prisoner to stand facing the agent, approximately three feet away. The prisoner should be instructed to turn the head to the right and the left so that the agent can visually examine each ear.
- e) The prisoner should be asked if he/she wears dentures. If so, the prisoner should be instructed to remove the dentures, open the mouth and raise the tongue so that the agent can visually examine the inside of the prisoner's mouth.
- f) The agent should instruct the prisoner to lean forward and run his/her fingers through the hair until the agent is satisfied that nothing is hidden in the hair.
- g) The agent should instruct the prisoner to face away from the agent, stretches out both arms, spread both legs and lean against a wall. If a wall is not available, the prisoner should be instructed to face away from the agent, with outstretched arms and legs spread.
- h) The agent should position him/herself with one leg between the prisoner's legs and the other leg back.
- i) The agent should ask the prisoner if he/she possesses any kind of sharp object that could cut or otherwise injure the agent.
- j) The actual body search should begin at the collar. The agent should check for any bulges or openings in the collar and turn the collar up.
- k) The agent should use the "Rumple / Crunch" technique on all clothing. This approach shall help the agent to find hidden contraband as well as protecting the agent from running his/her hands into hidden needles or razor blades.
- l) The agent should proceed to search the prisoner's upper body in the following manner:
 - m) Check the shoulder area and proceed to the right arm.
 - n) Check the armpit.
 - o) If the sleeves are rolled up, unroll them.
 - p) Check all areas of the arm and armpit.
 - q) Have the prisoner open his/her hands and wiggle the fingers.
 - r) Conduct the same search on the left arm.
 - s) Check the back area paying special attention to the hollow of the lower back.
 - t) Search the front chest area by reaching around with one hand and checking all pockets.
 - u) Pull the shirt out of the pants and check the waistband. Remove any belts and examine carefully.
 - v) Run a finger inside the waistband. Because this is a common hiding place for sharp objects, care should be taken in order to avoid injury.

3. Procedure – Lower Body:

- a) Before searching the prisoner's lower body, search all pockets turning them inside out.

- b) Check one leg at a time, check the crotch and buttocks area, run a hand into the crotch area and squeeze. Care should be taken not to cause pain in this sensitive area.
- c) Pat down the lower legs.
- d) Have the prisoner remove his/her shoes and check the socks and the bottom of the feet one at a time. Run a hand inside each of the shoes checking the insole for signs of alteration. Fold the shoe to make certain that nothing is hidden in the sole.

H. If contraband is found, the agent should file the appropriate forms.

I. After completing search, prisoner should be placed in a separate and secure location and will not be allowed to be in the presence of prisoners not searched.

XVI. USE OF RESTRAINTS

A. Definitions:

- 1. **Black Box** - Device that provides extra security by restricting access to the handcuff keyholes.
- 2. **Interconnect Chain** - Restraint used to secure two or more prisoners of the same sex.
- 3. **Martin Chain** - Also known as a waist or belly chain, this restraint is connected to the handcuffs to limit arm movement.
- 4. **Restraint** - A device or combination of devices used to restrict the movement of a prisoner.

B. All prisoners transported by PTS must be restrained with handcuffs, Martin Chain, leg irons, and interconnects. In the event it is needed black boxes and an interconnect chains will be utilized. Restraints should be secure, but are not to be applied in such a way as to inflict pain or cause undue discomfort. When appropriate, in an Agent's best judgment or if requested to do so by a client-agency, a prisoner may require the following:

C. Clothing requirements for Transporting Prisoners:

- 1. All prisoners are to be dressed in PTS approved clothing before restraints are applied. Currently, orange vests with or without "PRISONER" on back will be utilized.
- 2. Exceptions to this policy are limited to situations involving medical problems, contractual agreements, FAA regulations, or special applications for misconduct.

D. Only PTS personnel shall apply restraints to prisoners.

E. All restraint equipment must be double locked.

- F. Male and female prisoners shall never be interconnected in restraints.
- G. Prisoners shall not be secured to a vehicle in motion (with the exception of approved vehicle seat belts).
- H. Restraining devices shall be applied in the following manner:
1. The agent should apply restraining devices in a secure area.
 2. The agent should have the prisoner stand with hands on back of his head with his fingers interlocked.
 3. The agent should position him/herself in a modified Weaver or on-guard stance behind the prisoner.
 4. The agent should then secure the Martin Chain around the waist while the prisoner continues to stand with his/her hands on the back of the head with fingers interlocked.
 5. The agent should pull the handcuffs through the Martin Chain and cuff the hand furthest from the agent. The agent should finally secure the hand nearest to the body.
 6. When fastening handcuffs, the agent should check that there is a finger width of space between the prisoner's wrist and the cuff. If it is possible for the prisoner to slip a hand out of the cuff, the cuff should be adjusted accordingly.
 7. Handcuffs shall be double locked with the keyholes facing away from the prisoner's body and the single bar at the top of the wrist.
 8. Special care for the agent's personal safety must be taken when securing prisoners with leg irons. Leg irons should only be applied when the prisoner is on his/her knees.
 9. An Interconnect Chain will be used if two or more prisoners of the same sex are being transported. Normally two prisoners are interconnected with each other, and in case of an odd number of prisoners three will be interconnected.
 10. The Interconnect Chain should be attached to the first prisoner's Martin Chain before the prisoner's handcuffs are secured to the chain.
 11. Once the first prisoner is completely restrained and the Interconnect Chain is secured to the first prisoner's restraints, the agent should secure the second prisoner with a Martin Chain.
 12. After fully restraining the second prisoner in the method described above, the agent should attach the Interconnect Chain to the second prisoner's restraints.
- I. Chain control must be observed in order to prevent injury to self and others.
- J. If an OIC has only a partial issue of black boxes then he/she will use the black boxes on the following classification of prisoners: escape risks, death row, life sentenced, assault on LEO/CO, and other high risk prisoners and prisoners with known behavioral problems, or as directed by Field Operations. In addition, handcuff covers must be used on all prisoners of the Nevada and Virginia Department of Corrections, or during mass moves.

- K. Restraining devices should be removed in a sequence that is exactly the opposite of the initial application. For example, agents should first remove leg irons, then the handcuffs and Martin Chain.
- L. All prisoners shall remain in restraints until housed in a secure jail facility. If a prisoner or prisoners have been taken to a medical facility, restraints may be removed from one prisoner at a time. This may be done only at the physician's request and in the presence of two or more officers.
- M. Agents must be constantly aware that there is no foolproof or escape proof restraining device. Constant vigilance during movement of prisoners from vehicles and facilities is mandatory.

XVII. LOADING AND UNLOADING PRISONERS.

The loading and unloading of prisoners shall be accomplished in such a manner as to provide safety and security for both agents and prisoners.

A. Loading

- 1. Prior to loading, agents shall thoroughly inspect vehicles for contraband and trash. Trash bags, trash, or any other foreign matter shall not be allowed in prisoner areas.
- 2. Prisoners shall be placed in restraints in a secure area.
- 3. If a sally port is not available, vehicles shall be positioned as close to a secure area as possible.
- 4. The escorting agent shall open the outer doors and unlock the confinement areas before assisting prisoners entering the van. Re-check restraints prior to loading.
- 5. The escorting agent shall caution prisoners entering vehicles to avoid striking their heads, knees, or other body parts on vehicle hardware.
- 6. Agents should consider the size and build of each prisoner, as well as maximum comfort and space utilization when making seating arrangements.
- 7. Upon entering the vehicle prisoners shall be seated and asked to move to the far end of the seat. This step shall be repeated until the vehicle is fully loaded.
- 8. The escorting agent shall close and secure the confinement area by double-checking all locks, fasteners, and screens.

B. Unloading

- 1. If a sally port is not available, the driving agent shall position the vehicle as close to the unloading area or a secure area as possible. Utilize C.O. or Deputy from Facility for assistance.

2. The escorting agent shall open the outer door of the vehicle and ask each prisoner to show that his/her handcuffs are in place. **It is imperative that the escorting agent does not unlock or open the confinement area until it is certain that each prisoner's restraints are in place.**
 3. If each prisoner's restraints are in place, the escorting agent shall open the confinement area by first unlocking the bottom lock and then the top lock.
 4. While taking care to balance him/herself, the escorting agent shall physically check the handcuffs of the prisoner closest to the door.
 5. The escorting agent shall hold each prisoner's handcuffs when assisting the prisoner out of the vehicle.
 6. If any prisoners are to be left in the vehicle, one agent shall secure the confinement area and remain with the vehicle.
- C. Loading and unloading during restroom breaks (see restroom breaks).
- D. Loading and unloading on aircraft (see air extradition).
- E. Loading and unloading female prisoners (see female prisoners).
- F. If any of the above procedures are contrary to the local written and official policies of the releasing and/or receiving agency, that agency's policy takes precedence, and a copy of that policy should be requested.

XVIII. JUVENILE TRANSPORT

A. Definitions:

1. Juvenile - A person 17 years of age or under not adjudicated an adult who is charged with a crime.
 2. Youth Services - Normally a state agency that has custody of the juvenile. These typically fall into two categories:
 - a) Youth charged criminally or adjudicated as uncontrollable, or
 - b) Youth taken into protective custody that is not charged with a crime.
- B. Agents should use the same restraining and security measures as are used on adult prisoners. There may be situations when the client-agency requires alternative measures. If there are any questions, contact the agent supervisor.

- C. Juveniles shall never be transported in the same secure vehicle with adult prisoners.
- D. Inquire about the security level of the juvenile when assigned a move.
- E. If for any reason you cannot meet the time schedule notify dispatch immediately.
- F. Call dispatch promptly if any problems exist prior and during assigned trips.
- G. Perform pre-trip report and sign out vehicle on the board provided. Place pre-trip report in operations. Notify dispatch of your departure.
- H. Paperwork - A juvenile charged criminally or adjudicated as uncontrollable must be moved with court commitment order. Protective custody juveniles do not require paperwork.

XIX. SPECIAL NEEDS PRISONER

- A. To provide a safe, secure, and humane environment for the transportation of special needs Prisoners PTS shall provide the best possible special care that corresponds to the particular problem or physical/mental impairment of the prisoner.
- B. Special instructions should be compiled by the authorized department head and given to the Special Agent. Whenever possible, verbal and written instructions should be discussed prior to the transportation of special needs prisoners.
- C. Agents should interview the prisoner, obtain medical releases and medications, and search and restrain the prisoner.
- D. Special Needs Pickup Protocol
 - 1. Agents picking up special needs prisoners must make phone contact with office or Agent Director. The following protocols should be followed to determine whether the prisoner can be accepted on a vehicle trip or if a special flex should be arranged.
 - 2. The authorized department head (see movement of prisoners) shall determine the method of travel.
 - 3. Tuberculosis
If the prisoner has positive skin test he/she must also have medical authority certification of a chest X-ray showing no contagion and written clearance by a medical authority to make the trip. If the X-ray shows the prisoner is contagious then a special flex trip must be arranged.

4. **HIV/AIDS**
PTS does not transport inmates with HIV/AIDS within the same compartment as other inmates. Special arrangements will be made to transport the inmate.
 5. **Diabetic**
PTS does not transport inmates that are insulin dependent diabetic within our regular ground system. Special arrangements will be made to transport the inmate.
 6. **Broken Limbs In Casts**
The individual must be able to ride comfortably in a sitting position. Broken limb must not require elevation. Prisoner must be able to walk short distances unaided. A crutch or cane is acceptable and they cannot be confined to a wheelchair.
 7. **Hepatitis**
 - a) **Hep B** – PTS does not transport inmates with Hepatitis B within the same compartment as other inmates. Special arrangements will be made to transport the inmate.
 - b) **Hep C** – PTS does not transport inmates with Hepatitis C within the same compartment as other inmates. Special arrangements will be made to transport the inmate.
 8. **Pregnancy**
PTS does not transport female inmates that are pregnant within our regular ground system. Special arrangements must be made to transport the inmate.
 9. **Colostomy/Urinary Bags**
Must have 10 days supply of bags and be able to change bags themselves.
 10. **Cardiac Conditions**
Must have 10 days medication or prescription for same and written clearance from medical authority to make the trip.
 11. **Seizures / Nervous Disorders / Psychosis**
Must have 10 days medication on hand and written clearance from medical authority to make the trip.
 12. **Medications**
Attempt to get a prescription if the required amount of medication is not on hand.
- E. In the event that a prisoner develops a medical condition that is life threatening or sustains a life threatening injury this constitutes an emergency and the agent may transport the prisoner to an emergency room immediately. The agent must advise dispatch of the situation and FAX an incident report as soon as possible.

- F. If an agent determines that a prisoner has a medical condition requiring a hospital visit, but is not an emergency, the following steps must take place:
- G. An inmate must be taken to a Hospital if request is made for medical care.
 - 1. Care should be taken to prevent ruses or feigned illnesses or injuries from becoming or causing unnecessary medical attention.
 - 2. Agents should always be alert for feigned illnesses or injuries to prevent escapes from custody.
 - 3. Agent must contact dispatch and advice of the condition.
 - 4. Dispatch must contact the client and get both approvals for the visit and the name of the person authorizing the visit.
 - 5. With approval from the client the agent may take the prisoner to the hospital. The agent must note the client's representative authorizing the trip on his/her incident report.
- H. If the agent arrives at a pick-up and discovers that a special needs prisoner is to be transported, the agent should contact headquarters for instructions.
- I. If during transport, a prisoner requires transport outside of the normal system, the OIC must contact headquarters as soon as possible.

XX. FEMALE PRISONERS

A. Definitions:

- 1. **Segregated**- Kept away from, separate, out of reach of male prisoners. To travel in separate security compartment in the van in order to prevent physical contact with male prisoners.
- B. No exceptions to search and restraint methods shall be permitted due to the prisoner's gender. For policies and procedures relating to pregnant females or female prisoners with special physical problems, see special needs prisoners.
- C. Male agents **WILL NOT** search female prisoners. Searches of female prisoners will be conducted by female agents (see searches) or a facility female correctional officer or deputy.
- D. Female prisoners are not to be transported in the same secure compartment as male prisoners.
- E. An agent should always act in a professional manner. An agent whose conduct does not meet this standard shall be subject to disciplinary action.

- F. Physical contact between agents and prisoners are to be kept at a minimum. No contact between male agents and female prisoners is allowed except in emergency situations; i.e., rendering first aid or preventing escape, etc., or for safety assistance in and out of a vehicle or aircraft. This assistance is by holding the elbow of the female prisoner or wrists.

XXI. RESTROOM BREAKS

- A. Restroom stops should be conducted approximately every 4 hours. All prisoners should be offered the opportunity to use the facility. The agents should choose facilities without regard to the preferences or input of the prisoners. The first and only choice **shall always be a secure facility.**
1. One agent should thoroughly search the restroom for contraband, i.e., anything that could be used as a weapon, lock pick, or tool for escape. The agent should remove any angle iron, glass bottles, wires, or cans. The agent should also make certain that there is only one exit from the restroom.
 2. The escorting agent should open the outer door of the vehicle, look in, and instruct the prisoners to demonstrate that their handcuffs are in place. The agent should not open the confinement area until satisfied that all prisoners remain secure and properly restrained.
 3. If all restraints are in place, the escorting agent should open the confinement area door, and instruct the prisoner closest to the door to slide to the edge of the seat.
 4. While maintaining good balance (protective posture), the agent should physically examine the handcuffs of the prisoner closest to the door.
 5. While keeping his/her hands on both of the prisoner's handcuffs, **the agent should assist the prisoner to the ground.**
 6. If the first prisoner is interconnected to a second prisoner, the agent should physically examine the handcuffs of the second prisoner and assist him/her to the ground as well.
- B. If a single male prisoner needs to defecate, he should be given one free hand with which to do so. The handcuff that has been taken off should be closed and double locked. The agent should remove the handcuff in the following manner only in a secured facility:
1. Agents should never stand facing a prisoner while applying or removing handcuffs. The agent should use a modified Weaver stance when removing even one handcuff.
 2. The agent should instruct the prisoner to stand side ways (at an angle) with the hand that is to be freed closest to the agent.
 3. The agent should stand sideways, with the shoulder and body against the prisoner and the strong (predominate) side facing away from the prisoner.

4. The agent's free hand should be on top of the prisoner's hand that is to be released.
 5. The agent should maintain an alert stance while using his/her key-hand to reach and unlock the cuff.
 6. The agent should instruct the prisoner to drop the prisoner's free hand to his/her side.
 7. The agent should maintain physical contact with the prisoner's free hand while stepping away from the prisoner.
 8. Leg irons will remain on at all times.
 9. The agent should assume a modified Weaver stance and re-cuff the prisoner's free hand before leaving the restroom area.
- C. Once the prisoners are ready to leave the restroom, the agent should re-examine all restraints and make sure that they are secure and double locked prior to leaving restroom. Agent shall leave first, allowing prisoners to follow.
- D. The agent should escort and load the prisoners back on to the vehicle.
- E. The escorting agent should secure the confinement area door and lock the van door.

XXII. FEEDING OF PRISONERS

- A. Prisoners and juveniles shall be fed at normal mealtimes whenever possible (i.e., 0600 - 0700 for breakfast; 1200 - 1300 for lunch; 1800 - 1900 for dinner).
- B. Agents should take note in the record of any prisoner who requires a special medical or religious diet.
- C. Medical or religious diets should be adhered to within reason, and the pertinent information passed on to the receiving agency and the holding facilities used en route.
- D. Meals should be obtained from sources (fast-food establishments) having take-out capability. Do not use drive through lanes.
1. The vehicle should be parked in a well-lighted area, with little or no pedestrian or civilian traffic. Meals should not be distributed until the vehicle is parked in an area in which it is safe to do so. Vehicle should be backed into parking space if possible, for easy departure.
 2. The prisoners' restraints should be checked prior to the distribution of the meals (see, loading and unloading procedures).

3. All trash and uneaten food will be removed from the passenger enclosure once the prisoners have finished eating. Prisoners shall not be permitted to keep food to eat later, nor will the food be consumed while the van is moving. ONCE AGAIN, NEVER GIVE INMATES HOT LIQUIDS.
4. At no time will prisoners be given a free hand during meal times.
5. The agents should conduct a final security check of the confinement areas, locks, etc.
- E. The same procedures should be followed in the event that a fast-food restaurant is not available.
- F. Beverages will not be served in glass containers. Prisoners should be given only Styrofoam, plastic, or paper cups to use, if available. Canned beverages should never be given out. No straws or utensils will be provided to prisoners at any time.
- G. Each prisoner should receive his/her meal and beverage individually wrapped and/or packaged.

XXIII. WEAVER STANCE

- A. Definitions:
 1. Address - To confront, approach, and communicate with.
 2. Stance - To position body, to position feet.
- B. When addressing prisoners, a Special Agent should assume a stance that presents the smallest target area and maximizes the safety and security of the agent.
- C. Agents should always observe caution when supervising or addressing prisoners.
- D. Agents should assume a body position that offers as much protection as possible.
- E. The modified Weaver stance, also known as the ready or on guard stance, provides balance, good weight distribution and a smaller target area. By assuming this stance, an agent should be able to move more effectively to ward off, or avoid an attack.
- F. Agents should assume the modified Weaver stance in the following manner:
 1. Assume good posture (upright position).
 2. Angle the body so that the agent's strong-side is furthest from the prisoner.
 3. Position the feet at shoulder width.

4. Position the strong side foot to the rear and in line with the instep of the opposite foot.
5. The toe of the strong-side foot should be pointed slightly outward from the body.
6. Hold the shoulders at an angle slightly away from the prisoner.
7. Keep the center of gravity low and centered over both feet.
8. Keep the knees slightly bent and not in a locked position. By doing so, the agent will have greater lateral mobility as well as a better chance of being able to recoil in the event of hostile prisoner activity.

XXIV. COMMERCIAL AIR MOVEMENT

- A. Air extradition (Air-EX) may occur under the following circumstances:
 1. When the movement of a prisoner by air is requested by an agency.
 2. When a prisoner is medically unfit to travel on the ground.
 3. When short notice is given with a deadline and ground travel is impractical.
 4. A special move is required by a department head of PTS to meet that department's special needs.
- B. Air extradition should only occur if there is enough time, adequate personnel, and an acceptable airline.
- C. Once the Agent Department has authorized an air extradition the location and instructions (Air-EX briefing) will be given to the agents assigned to the move. Agent should request verbal and or written instructions if necessary. Agent administrator or dispatch will provide full briefing prior to the trip
- D. All necessary equipment and documentation shall be given to the agents, or made available for pickup by the agents (i.e. full restraints, trip paperwork, flight tickets and two copies of extradition paperwork).
- E. All funds shall be converted to cash prior to taking custody of the prisoner.
- F. Agents on air extradition will dress in the following manner:
 1. Agents should wear business casual.
 2. Badge and credentials should NEVER be visible to the public.

- G. Ground transportation to the airport should be arranged prior to the actual trip.
- H. Ground transportation must be equipped with child safety locks, or secure vehicle if available.
- I. Prisoner property should be stored in the trunk of the vehicle.
- J. The prisoner's leg irons should be removed at the airport. No leg irons are allowed in the terminal or plane. Leg brace shall be utilized. **NO EXCEPTIONS!**
- K. Agent and prisoner should arrive at airport two hours minimum prior to flight.
- L. The escorting agent shall notify airport security on arrival at the airport, and request secure lock up for prisoner until boarding time if an extensive layover is scheduled or expected.
- M. The escorting agent should verify pre-assigned seating as described below, if it has not already occurred.
- N. In order to avoid walking through the metal detector, the escorting agent should identify him or herself and the prisoner at the security checkpoint. The escorting agent should ask the security officer to escort him/herself and the prisoner around the metal detector (the agent may be required to sign in). A hand held metal detector may be used on both agent and prisoner.
- O. In-flight use of the restrooms is prohibited. The escorting agent should offer the use of restroom facilities to the prisoner while waiting to board the plane. The agent should ask airport security for help when escorting the prisoner to the restroom.
- P. The escorting agent should check in at the specified flight gate and request pre-boarding rights and fill out airline prisoner escort questionnaire (if airline uses this form). The agent should then call PTS dispatch with current updates. At a minimum the agent should contact dispatch after pick up drop off and end of trip, but will maximize call in as often as possible. Always hold the inmates arm or have them walk against the wall away from the public.
- Q. The escorting agent and the prisoner should pre-board the plane and sit in the right rear corner of the plane. The prisoner should be seated next to the window and the agent should be on the aisle.
- R. Neither the agent nor the prisoner is to consume alcohol in any form. All meals will be ordered and checked by the agent for hot liquids, eating utensils (spoon should suffice, no knife or fork), and pull the tabs of canned drinks.
- S. All FAA regulations and captain's directions shall be followed during the flight. Once the plane has landed and the other passengers have exited, the agent and prisoner may exit the plane. The agent and prisoner should remain seated while other passengers depart.

- T. The escorting agent should identify him or herself to local airport security and call PTS with updates.
- U. The escorting agent should proceed to obtain ground transportation as directed by PTS.
- V. If another flight has been scheduled, the agent should repeat the above instructions.
- W. Once the prisoner has been delivered, the agent must call PTS and advise of the completed delivery.

X. Air-EX Briefing

Manifest #: _____ **Agent:** _____ **Badge #:** _____

The Operations Department will brief agents assigned to an Air-X on the following subjects immediately upon completion of itinerary and flight/rental car arrangements.

- A. Agents will report to the Operations Department in a timely manner to ensure that they can report to the airport at least one hour ahead of departure of flight.
- B. Review their itinerary and flight/rental car arrangements. Look for conflicts in scheduling, time management, and required rental cars at each location.
- C. Review prisoner's status and inquire about security measures, especially if prisoner detail indicates juvenile, escape risk, pregnancy, medical status, etc.
- D. Ensure required equipment is issued and serviceable: Handcuffs, Martin chain, etc. Leg irons are not to be used in terminals and aircraft.
- E. Be dressed professionally in accordance with policy & procedure manual.
- F. Always check in telephonically with dispatch on all stops, layovers, prisoner pick up, drop off, and on all incidents.
- G. If delayed immediately contact dispatch and advise same, and have Trip Manager contact customer.
- H. Prisoner's handcuffs have to be covered (invisible). Use a windbreaker or colored T-shirt.
- I. Prisoner will only be allowed **A CARRY ON BAG, DO NOT CHECK HIS/HER BAGS.**
- J. Stay discrete in all airport terminals; do not draw attention to your status, job and prisoner.

- K. Approach airline personnel discreetly and check in and/or discuss your trip in a quiet professional tone of voice.
- L. Airlines are totally responsible for safety and security for their assigned terminal and flights; any directives given are to be followed.
- M. Request from the airline a prisoner escort questionnaire and fill it out if it's required.
- N. If the airline's directives will change the security status of the prisoner, contact PTS. If you feel this would involve in a security risk do not change restraints until you discuss it with PTS.
- O. If the airline Captain asks you to remove restraints you have to comply, but request politely if this could be done after boarding (always ask to be boarded first) or in the gangway while boarding.
- P. The required seating arrangement is the last row, prisoner on window side and agent aisle.
- Q. Approach terminal security and always ask for the supervisor before going through.
- R. There will be no arguments with airline personnel or security; stay professional and discrete.
- S. Discreetly show your credentials and explain that you are extraditing a prisoner in restraints. Security then should just wand you and the prisoner, and x-ray the bag(s).
- T. If without prisoner do the same, because your restraints will show up in the x-ray machine. Prepare security about the presence of restraints.

Briefed by: _____
Print Name & Initial

Initial if telephonically: _____

Date/Time: _____

XXV. TRANSPORTATION OF EVIDENCE

A. Definitions:

- 1. Evidence - Article(s) or object(s) or information that tends to prove or disprove a proposition.

- B. Evidence shall not be transported unless PTS gives special consent and instructions.
- C. If an agent is charged with the responsibility of transporting evidence, he/she must be given specific instructions prior to pick-up.
- D. Agents should not accept or sign for evidence until approval from PTS headquarters has been given.
- E. Evidence **will never be accepted** unless accompanied by an Evidence Chain of Custody form, regardless if approved PTS.

XXVI. STANDARDS OF CONDUCT

- A. The purpose of the Employee Code of Conduct is to establish and set forth guidelines for all employees of PTS. These guidelines will ensure that every employee will be treated with fairness, in an efficient, concise, and effective manner.
- B. The employee of PTS shall refrain from participating in any criminal, dishonest, infamous, immoral, or disgraceful conduct, behavior, or activity which would willfully violate the U.S. constitution, discredit PTS in any way both on and off the job.
- C. The following **Employee Code of Conduct** is not all-inclusive and may be rescinded or revised at any time.
 - 1. The employees of PTS shall adhere to high professional standards. These standards should act as a guideline for achieving and maintaining a high degree of professionalism and any violations of this section could result in disciplinary action, based on the incident and an investigation.
 - 2. **Abuse of Position** - Employees of PTS shall not use their official position as an agent, identification, or badges for personal or financial gain or obtaining privileges not otherwise available or for avoiding the consequences of any illegal acts.
 - 3. Employees shall not lend to anyone their identification, badge, or any property for any reason.
 - 4. **Company Records** – PTS records are crucial to the financial, legal, and management obligations of PTS. These records include, but are not limited to, reports, vouchers, bills, payroll and service records, personnel files, time sheets, expense reports, activity logs etc.

Employees, when dealing with the preparation or handling of company records, should provide accurate and complete information. Correctly report and account for all information. Immediately report any irregularity or discrepancies.

- 5. Employees are responsible for keeping their personal data (addresses, driver's license, etc.) up to date.

6. **Nondiscrimination** –PTS's policy is to provide equal opportunity to all employees. Employees are not permitted to discriminate in recruitment, appointment, training, retention, hiring, termination, promotions, cooperation, benefits, examination, transfers, discipline, or any other condition of employment or career development. Employees are not permitted to harass other employees or individuals with whom PTS does business on the basis of race, color, religion, national origin, sex, age, handicap, sexual preference or orientation, marital status, or status as a special disabled veteran or veteran of the Vietnam era.
7. **Harassment** – PTS strictly prohibits sexual harassment, along with any other form of harassment. All policies and procedures, rules and regulations, and interdepartmental operations shall therefore be administered in such a manner as to comply, to the fullest extent, with the Civil Rights Act of 1964, as amended.
8. **Company Vehicles** - Company vehicles will not be used for an employees personal use, except as authorized by the Company President. Employees of shall operate all vehicles in a careful and prudent manner and shall obey all laws and regulations pertaining to the use of a vehicle.
9. Employees shall not allow any non-employee of PTS to operate a company vehicle.
10. Employees shall never allow unauthorized passengers to ride in any company vehicle unless their immediate supervisor is notified and that supervisor issues permission.
11. Agents shall report to their supervisor immediately, any traffic citation they receive whether operating a company or private vehicle.
12. **Employees will not tamper, in any way, or disconnect any company vehicle speed governing system without prior approval from vehicle maintenance staff.**
13. If any accident, or incident, occurs that involves a PTS vehicle, it must be reported immediately to either the trip manager or the employee's immediate supervisor in addition to the local law enforcement jurisdiction. A detailed written report must be completed and sent to the office immediately. Company procedure will then be followed appropriately.
14. **Outside Employment** - Outside employment is any work paid in addition to PTS compensation, including self-employment.
15. Any employee engaged or desiring to engage in outside employment must have prior approval from his or her supervisor, or a designee thereof, and must be in accordance with the following guidelines:
 - a) It must not interfere with the employee's duties and/or responsibilities.

- b) It shall not involve a conflict of interest, the appearance of or potential for a conflict of interest.
- c) It shall not involve the use of PTS records or equipment.
- d) It shall not incur any liability upon PTS.
- e) It shall not render any employee unavailable during an emergency.
- f) It shall not require that any special consideration be given to the scheduling of the employee's regular hours of duty.
- g) It shall not disrupt or impair the operations or efficiency of PTS.
- h) It must not involve any violations of federal, state, or local laws.

16. Outside employment can cause a conflict resulting and possible termination of employment with PTS.

XXVII. GRATUITIES

- A. All PTS employees will not place themselves in a position where any person, business or organization could reasonably expect special consideration, or where the public could reasonably perceive that special consideration could be given, that is unethical or unlawful.
- B. Employees shall not be unlawfully influenced in the discharge of their duties through acceptance of gratuities.

XXVIII. REPORTING FOR DUTY

- A. It is the responsibility of each employee to report for duty at the proper time and in the proper uniform.
- B. Any agent who fails to report or call in for a period exceeding ten days shall be considered terminated. Notice of termination will be sent out promptly via U.S. Postal Service.
- C. Off duty agents may call in and request an assignment at any time. Once they have called in, the agents may be placed on a "ready" or "stand-by" list.
- D. Agent assignments shall be rotated to ensure that each agent has an equal opportunity for assignments.

- E. An agent who refuses a trip shall be rotated to the bottom of the list. Refusal of more than one assignment shall result in further administrative action.
- F. No employee is to keep, maintain, take or cause to be taken, any inmate photos and or files of any type. You are NEVER to discuss your job activities or PTS operations in any way; in any public forum to include, but not limited to "Facebook", "MySpace" etcetera.

XXIX. PRE-EMPLOYMENT SCREENING

- A. All job applicants must undergo and pass a comprehensive background check. This shall include, at a minimum, the following:
 - 1. Fingerprint based background search. (Persons with prior felony convictions or State or Federal misdemeanor charges or domestic violence offenses as defined in 18 USC 921 shall not be hired.)
 - 2. Credit report check
 - 3. DOT Physical examination
 - 4. Personal interview/reference check
 - 5. Tests for controlled substances (Testing for controlled substances will be ongoing and random throughout the agent's employment)

NOTES: All employees must reside within 150 miles of their duty station. Should an employee move outside of this radius, and he or she has a problem reporting for work in a timely manner, he or she will be subject to termination. All Agents must have reliable transportation.

XXX. EMPLOYEE TRAINING

- A. All new employees will be required to complete a minimum of 40 hours pre-service classroom training and 100 hours of OJT. Pre-service training will include but not be limited to the following the primary function of PTS is to transport prisoners in the most safe and secure environment possible. We achieve this by providing a comprehensive training program that includes classroom instruction, as well as extensive hands on application. Our basic and in-service is second to none and is continually being improved. Our training curriculum includes, but is not limited to:
 - 1) Proper use and application of restraints
 - 2) Searches of prisoners
 - 3) Use of force to include use of appropriate weapons and firearms if applicable

4) CPR and first aid.

5) Map reading

6) Defensive driving

All new Agents, regardless of experience, are assigned to a number of different Senior Training Agents that they remain with for a minimum of ninety (90) days. After that period, if the Agent candidates are not able to perform the required tasks with optimum proficiency, they are subsequently terminated. If they are selected, candidates must then complete a total of six (6) months probationary period in order to retain their position as an Agent with PTS.

In-service training is a critical and mandatory step in maintaining the skills and professionalism of the agent force. All agents are required to complete in-service training once per calendar year.

- B. All employees who come into contact with prisoners shall receive 40 hours of in-service training each year.

Approved: _____ Date: _____

Approved: _____ Date: _____

ADDENDUMS AND SAMPLES OF THE FOLLOWING:

Copies of the following are to remain in the Policy and Procedures Manual

DRUG AND ALCOHOL POLICY

DRUG AND ALCOHOL CONSENT

RULES OF CONDUCT

EMPLOYEE CONDUCT

The above documents must be signed and witnessed and placed into the employees Human Resources File. This will be done prior to graduation.

Notes:

All aerosol containers that may be used for asthma or other medical needs shall not be in the possession of the inmate during transportation. Inhalers shall be kept in possession of the Agents and will be made available to the inmate when needed and as prescribed by medical personnel.

At any time an Agent has any contact with a law enforcement official, for any reason, whether it be on or off duty, it shall be reported to at least one of the below Corporate officials of PTS of America, LLC. The officer's name, I.D. number and Agency shall be contained within the report. Failure to adhere to this policy can result in disciplinary action up to and including termination.

Director of Operations

Manager of Operations

Director of Agent Operations

Director of Compliance/Training

If none of the above are available, contact your Trip Manager

PTS OF AMERICA, LLC
CONTROLLED SUBSTANCES and ALCOHOL POLICY
page 1

PURPOSE OF THE POLICY

This alcohol and controlled substances policy, herein referred to as "the policy", has been established by PTS of America, LLC, herein referred to as "the company", to address the adverse impact of employee substance abuse on the health, productivity and the safe environment of the work place, to include our nations public highways. The policy is applicable to every person who operates a commercial motor vehicle on public roadways under the company's authority, and who is subject to the commercial driver license requirements of the Federal Motor Carrier Safety Regulations. The policy is designed to assist in the protection of the health and well being of the driver, the general public, and the company's property and assets, as well as the property and assets of our clients and customers.

All drivers are hereby notified that compliance with this policy and Federal Motor Carrier Safety Regulations, CFR 49 Parts 40 and 382, are among conditions required for continued employment, or to continue as an independent contractor, with the company.

This policy or any of its terms is not intended to create a contract of employment or to contain the terms of any contract of employment. The company retains the sole right to change, amend or modify any term or provision of this policy without notice.

This policy is effective January 1, 2002, and supersedes all prior policies relating to alcohol and controlled substances.

Alcohol and Drug Testing Program Administrator
FMCSR 382.601(b)(1)

The person designated to monitor, facilitate and answer questions pertaining to this policy for the company is **Ryan Whitten**.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 2

Federal Motor Carrier Safety Regulations (FMCSR)

Every driver employed by or contracted to the company has been issued a copy of the Federal Motor Carrier Safety Regulations, herein referred to as FMCSR. Many times, the policy will refer to FMCSR and specific references will be made to actual regulations (i.e. FMCSR 382.601 (b)(1) as used on page 1.) These references are made to assist you in locating the actual regulation and to keep the length of this policy reasonable. If you have problems locating a particular regulation, or do not understand it, don't hesitate to ask the designated company spokesperson named on page 1 of this policy for assistance.

Definitions

For the purpose of this policy the term "Company Premises" includes:

1. All premises and locations owned by, leased by, or under the control of the company, including all parking lots, lockers, and storage areas;
2. All premises and locations at which work is performed by the company or any of its employees or which are assigned to the company for its use or any of its employees by any client or customer including all parking lots, lockers, and storage areas.
3. All automobiles, aircraft, trucks and other vehicles owned by, leased by, used by, or otherwise under the control of the company or any of the company's clients or customers.

For definitions of the following terms, refer to FMCSR 382.107

Actual knowledge	Alcohol
Alcohol concentration (or content)	Alcohol use
Commerce	Commercial Motor Vehicle
Confirmation (or confirmatory) drug test	Confirmation (or confirmatory) validity test
Confirmed drug test	Controlled Substances
Consortium/Third Party Administrator (C/TPA)	
Designated Employee Representative (DER)	
Disabling Damage	DOT Agency
Driver	Employer
Licensed medical practitioner	Performing (a safety-sensitive function)
Positive Rate	Refuse to submit
Safety-sensitive function	Screening test (also known as initial test)
Stand-down	Violation rate

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 3

Drivers Subject to Testing FMCSR 382.103

As discussed earlier, this policy and FMCSR Part 382 applies to every person who operates a commercial motor vehicle on public roadways and is subject to the commercial drivers license requirements of FMCSR Part 383.

Drivers will be subject to alcohol testing only while they are performing a safety-sensitive function as defined in FMCSR 382.107 and any of those on-duty functions set forth in FMCSR 395.2 - **On-Duty time**, paragraphs 1 through 7. Drivers may be directed by the employer to only undergo reasonable suspicion testing for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

Prohibited Conduct

Prescription medications: In addition to the prohibitions on controlled substances use and alcohol misuse, discussed in more detail below, drivers taking medications prescribed by a licensed health care professional familiar with the driver's work related responsibilities must report such use to their supervisor, department manager, or the alcohol and drug testing program administrator. The company reserves the right to require drivers taking prescription medications to provide written documentation from the prescribing physician indicating that they are aware of the driver's work related responsibilities and that the medication will not interfere with the driver's ability to perform safety-sensitive functions. The company also reserves the right to seek additional opinions from qualified medical personnel concerning the potential effects of the prescribed medication on a driver's ability to perform safety-sensitive functions. The company reserves the right to prohibit a driver from performing safety-sensitive functions while they are taking prescription medications. Any such prohibition will be without prejudice and the driver will be allowed to return to duty upon ceasing to use the medication or when sufficient information, provided by qualified medical personnel, leaves no doubt that the driver's ability to perform his/her safety-sensitive duties will not be adversely affected.

Alcohol concentration: FMCSR 382.201 prohibits a driver from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

On-duty use of alcohol: FMCSR 382.205 prohibits a driver from using alcohol while performing safety-sensitive functions.

Pre-duty use of alcohol: FMCSR 382.207 prohibits a driver from performing safety-sensitive functions within four hours after using alcohol.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 4

Prohibited Conduct - continued

Use of alcohol following an accident: FMCSR 382.209 prohibits a driver required to take a post-accident alcohol test under FMCSR 382.303 from using alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Refusal to submit to a required alcohol or controlled substances test: FMCSR 382.211 prohibits a driver from refusing to submit to a post-accident alcohol or controlled substances test required under FMCSR 382.303, a random alcohol or controlled substances test required under FMCSR 382.305, a reasonable suspicion alcohol or controlled substances test required under FMCSR 382.307, or a follow-up alcohol or controlled substances test required under FMCSR 382.311.

Controlled substances use: FMCSR 382.213 prohibits a driver from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in FMCSR 382.107, who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

FMCSR 382.213(c) ALLOWS AN EMPLOYER TO REQUIRE A DRIVER TO INFORM THE EMPLOYER OF ANY THERAPEUTIC DRUG USE. The company exercises this option in our previous policy statement on Prescription medication.

Controlled substances testing: FMCSR 382.215 prohibits a driver from reporting for duty, remaining on duty, or performing any safety-sensitive function, if the driver tests positive or has adulterated or substituted a test for controlled substances.

It should also be noted that each of the regulations cited as prohibiting a driver from certain acts, equally prohibits the employer from permitting the driver to perform or continue to perform safety-sensitive functions if the employer has actual knowledge that the driver has violated that prohibition.

Other Prohibitions

Contraband: While not specifically prohibited by FMCSR 382, the possession, concealment, transportation, promotion, purchase and/or sale of the following items is strictly prohibited on all company premises:

- Alcohol
- Controlled substances
- Designer Drugs
- Firearms, weapons, explosives and ammunition.
- Drug paraphernalia
- Stolen Property
- Radar Detector

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 5

Other Prohibitions - continued

Client/customer rules: While not addressed in FMCSR, the breaking of rules and requirements of the company's clients and customers is prohibited.

TESTS REQUIRED

FMCSR 49CFR – Part 382 Subpart C

Pre-employment testing

FMCSR 382.301

Prior to the first time a driver performs a safety-sensitive function for an employer, the driver shall undergo testing for controlled substances. No employer shall allow a driver to perform safety-sensitive functions until the driver has been administered a controlled substances test, and has received a test result from the medical review officer indicating a verified negative test result. *Although the 382.301 (b) & (c) do allow for an exception on pre-employment controlled substances testing under certain circumstances, it is the policy of the company to have all drivers tested under our program. The company will not accept a drug test result obtained from a previous employer or other source in lieu of a pre-employment test administered within our program.*

Post-accident testing

FMCSR 382.303

As soon as practicable following an occurrence involving a commercial motor vehicle, operating on a public road in commerce, each employer shall test for alcohol and controlled substances each surviving driver who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or who receives a citation under State or local law for a moving traffic violation arising from the occurrence that is determined to be an accident.

If a driver is involved in an accident that results in the loss of human life he/she must submit to alcohol and controlled substance testing regardless of the circumstances of the accident. Otherwise if the accident results in one of the vehicles involved being towed from the scene, or someone being transported for immediate medical attention, the driver must be tested for alcohol and controlled substances only if he/she were issued a citation for a moving violation in conjunction with the accident. In other words, if there is no fatality and the driver was not issued a citation for a moving violation arising from the accident, the driver does not have to be tested.

It is critical that the driver notify the company as soon as possible after an accident so the needed steps can be taken to comply with FMCSA 382.303. Failure to notify the company in a timely and accurate manner will subject the driver to severe discipline up to and including termination.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 6

TESTS REQUIRED - continued

Post-accident testing - continued

Alcohol tests: If a test is required, the employer must make an attempt to have the driver tested within two hours following the accident. If the driver knows he/she must be tested, he/she should request the law enforcement officers on the scene perform an alcohol test. The results of tests administered by law enforcement officers will be accepted and no further alcohol testing will be required. If the test is not completed within two hours, the company must continue to attempt to have the driver tested for up to eight hours after the accident. If the driver has not been tested for alcohol within eight hours of the accident, the company will cease to attempt to administer the test.

Remember, that the driver is prohibited from using alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test.

Controlled substances tests: If a test is required, it must be administered within 32 hours following the accident. Although the time allowed to administer the controlled substances test seems generous when compared with the alcohol testing requirements, it is critical that the driver communicate the details of the accident to the company as quickly and completely as possible so the company can determine if a test is needed and make the arrangements needed to facilitate a test if one is needed.

FMCSR 382.303 (e) states "a driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care." Remember, a refusal to submit to testing is prohibited.

All drivers will be provided with the policies of the company regarding procedures and instructions for accident reporting and post-accident requirements, including the requirements of FMCSR 382.303, prior to operating a commercial motor vehicle for the company.

Random testing

FMCSR 382.305

The selection of drivers for random alcohol and controlled substances testing will be made by a scientifically valid method as described in FMCSR 382.305(i). Drivers will be selected at a rate that insures compliance with FMCSR 382.305(f). All random tests for alcohol and controlled substances will be unannounced and the drivers, when notified of their selection, will proceed to the appropriate test location immediately. Random alcohol tests will be administered when the driver is performing a safety-sensitive function, just before the driver is to perform a safety-sensitive function, or just after the driver has performed a safety-sensitive function. The company will insure that the random tests for alcohol and controlled substances are spread out evenly through the year and that each driver will have an equal chance of being tested each time selections are made.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 7

TESTS REQUIRED - continued**Reasonable suspicion testing****FMCSR 382.307**

Alcohol tests: The company shall require a driver to submit to alcohol testing when a reasonable suspicion exists that the driver has violated the prohibitions of FMCSR Subpart B concerning alcohol. A driver may be subjected to reasonable suspicion alcohol testing only if the observations required by FMCSR 382.307 (a) are made while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased to perform safety-sensitive functions. *Alcohol tests based on reasonable suspicion cannot be administered by the person who made the determination that reasonable suspicion exists.* An alcohol test required by FMCSR 382.207 should be administered within two hours, but if not, the company will continue to attempt to test the driver for eight hours after the determination that reasonable suspicion exists. Once the determination has been made that reasonable suspicion exists, the driver will not be permitted to perform or continue to perform any safety-sensitive function until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02 or twenty-four hours have elapsed following the determination. In the unlikely event that an alcohol test cannot be completed within eight hours of the determination that reasonable suspicion exist, the driver will be relieved from the performance of all safety-sensitive functions for a period of at least twenty-four hours and although there will be no confirmation of prohibited conduct, the driver may still be subject to disciplinary action based on compelling evidence that prohibited conduct did occur. **Any disciplinary action based on less than a confirmed alcohol test result of 0.02, regardless of how compelling the evidence may be, will be based on the company's authority independent of the FMCSR Part 382.**

Controlled substances tests: An employer shall require a driver to submit to a controlled substances test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions of FMCSR Subpart B concerning controlled substances. Once the determination that reasonable suspicion exists is made, the driver will be relieved from the performance of all safety-sensitive functions, administered a controlled substances test in accordance with applicable Federal requirements immediately, and will not be allowed to return to the performance of safety-sensitive functions until such time that the company receives a verified negative test result from the medical review officer. A written record of the observations leading to a controlled substances reasonable suspicion test will be made and signed by the supervisor or company official who made the observations within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. In the unlikely event that a controlled substances test cannot be administered within 32 hours following the determination that reasonable suspicion exists, the driver may still be subject to disciplinary action based on compelling evidence that prohibited conduct did occur. **Any disciplinary action based on less than a confirmed positive controlled substances test, regardless of how compelling the evidence may be, will be based on the company's authority independent of the FMCSR Part 382.**

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 8

TESTS REQUIRED - continued

Reasonable suspicion testing - continued

Supervisor training: The person who makes the determination that reasonable suspicion exists must be trained to recognize the indicators of probable alcohol misuse and use of controlled substances in accordance with FMCSR 382.603. The determination that reasonable suspicion exists to require a driver to undergo alcohol or controlled substances testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. In the case of controlled substances determinations, these observations may include indications of the chronic and withdrawal effects of controlled substances. FMCSR 382.603 requires each employer to ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. *The company has gone to great lengths to train those supervisory personnel and company officials who are authorized to make reasonable suspicion determinations. Those trained personnel have the authority to relieve a driver from the performance of safety-sensitive functions and begin the process of requiring a driver to undergo testing for alcohol, controlled substances, or both. However, it should be noted that the company will not tolerate abuses of that authority and any person found to have abused that authority will be subject to swift and severe disciplinary action.*

Return-to-duty testing

FMCSR 49CFR Part 40 Subpart O – 40.305

Alcohol tests: Each employer must ensure that before a driver returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by FMCSR 382 Subpart B concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

Controlled substances tests: Each employer must ensure that before a driver returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by FMCSR 382 Subpart B concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a verified negative result.

Return-to-duty testing can only be administered by an employer who wishes to allow a driver to return to duty after an evaluation of the driver by a qualified Substance Abuse Professional (SAP) in accordance with the provisions of Part 40 Subpart O.

Follow-up testing

FMCSR 49CFR Part 40 Subpart O – 40.307

Following any positive test for alcohol and/or controlled substances, each employer shall ensure that any driver they wish to allow to return to the performance of safety sensitive duties is subject to unannounced follow-up testing as directed by a Substance Abuse Professional (SAP) in accordance with the provisions of FMCSR 40.307 and 40.309.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 9

TESTING PROCEDURES

Alcohol Testing

FMCSR Part 40 Subparts J, K, L, M, & N

All testing will be conducted in strict compliance with FMCSR Part 40 Subpart C.

Testing Equipment: All alcohol tests will be conducted by qualified technicians using testing equipment that meet all of the guidelines set forth in FMCSR Part 40. The National Highway Traffic Safety Administration (NHTSA) publishes a Conforming Products List (CPL) and identifies on that list which devices have been approved for screening tests and for confirmation tests. All screening tests must be conducted using equipment and technology that appear on the CPL and have been approved for use in conducting screening tests. All confirmation tests must be conducted using equipment that appears on the CPL and has been approved for use in conducting confirmation tests.

Testing Locations: All alcohol testing will be done in a location that affords the individual being tested the maximum amount of visual and aural privacy possible, preventing unauthorized persons from seeing or hearing test results. The company reserves the right to choose the testing location, and may conduct tests on the company premises or direct drivers to other locations for testing depending on the circumstances.

Preparation for testing: In preparing to test the driver, the technician performing the test will insure that the individual being tested is positively identified. The technician shall explain the testing procedure to the driver. *Although alcohol testing forms should be uniform, the testing procedures could vary somewhat from one testing method to another or from different testing devices.*

Procedures for screening tests: The driver must cooperate with the technician conducting the test. *Combateness or failure to follow the instructions of the technician can be regarded as a refusal to take the test, which is prohibited by this policy and the FMCSR 382.211.* During the testing process the driver will be required to do certain things at the direction of the technician; these are listed below:

Complete Step 2 on the form, signing the certification.

Refusal to sign will be considered a refusal to take the test.

Sign and date the form in Step 4 when the test is completed if required.

Otherwise cooperate with the technician as required to complete the test.

The driver should be sure to obtain his copy (Copy 2) of the test.

Any test result indicating an alcohol concentration of less than 0.02 is a negative test and completes the testing process. No further testing for alcohol is authorized.

Any test result indicating an alcohol concentration of 0.02 or greater will require that a confirmation test be performed. If the confirmation test is to be performed by a different technician, the technician who conducts the screening test shall complete and sign the form and provide the driver with Copy 2 of the form.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 10

TESTING PROCEDURES - continued

Alcohol Testing - continued

Procedures for confirmation tests: If the technician conducting the confirmation test is not the same technician who conducted the screening test, the new technician will be required to insure that the individual being tested is positively identified. The driver will be instructed not to eat, drink, put any object or substance in his/her mouth, and, to the extent possible, not belch during the waiting period before the confirmation test. The technician shall proceed with the test at the end of the waiting period, even if the employee has disregarded these instructions. The technician will note any failure or refusal on the part of the individual being tested to follow these instructions. This waiting period begins with the completion of the screening test and shall not be less than 15 minutes. This waiting period is for the benefit of the individual being tested; it is mandated to prevent any accumulation of mouth alcohol leading to an artificially high reading. *Again, any combativeness or failure to follow the instructions of the technician could be regarded as a refusal to take the test.*

In the event that the screening and confirmation tests results are not identical, the confirmation test result is deemed to be the final result upon which any action under FMCSR rules shall be based. Only designated representatives of the employer will have access to the results of a driver's alcohol test results and those results shall be stored so as to ensure that confidentiality is maintained.

Refusals to test and uncompleted tests: Refusal by a driver to sign the alcohol testing form (step 2) or otherwise cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the technician in the remarks section of the form. The testing process will be terminated and the technician will notify the employer of the refusal to test immediately. If a screening test cannot be completed, or if an event occurs that would invalidate the test, the technician shall, if practicable, begin a new screening or confirmation test, as applicable, using a new alcohol testing form.

All alcohol is the same: It should be noted that the results of an alcohol test are immediate. There is no laboratory or medical review officer involved in the process. The reason being that the consumption of and being under the influence of even small amounts of alcohol is prohibited by Federal Law. These prohibitions make no distinction between alcohol found in alcoholic beverages and alcohol found in cough medicine or mouthwash. *The regulations prohibit all alcohol. There is no such thing as acceptable or "medically allowable" alcohol.* It is important that you take this into consideration when you go to the store to buy over the counter medications that may contain alcohol. You would be well advised to seek the advice of a pharmacist or physician to assist you in locating medications that do not contain alcohol. In dealings with your doctors or dentist, you would be well advised to make them aware that you are a truck driver who is required to perform safety-sensitive functions as part of your job, and are prohibited by Federal Law from consuming, possessing or being under the influence of even small amounts of alcohol.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 11

TESTING PROCEDURES - continued

Controlled Substances Testing

FMCSR Part 40 Subpart B

All testing will be conducted in strict compliance with FMCSR Part 40 Subpart B.

The drugs: The employer is required by law to test for marijuana, cocaine, opiates, amphetamines and phencyclidine. Urine specimens collected for this purpose may only be used to test for those drugs listed above or any drug that the employer becomes required to test for at a future date. The laboratory is authorized by law to test for, in addition to the controlled substances listed, the presence of adulterants or the indications of substitution and dilution.

The laboratory: All controlled substance testing required by FMCSR Part 40 and Part 382 shall be done only at laboratories certified under The Department of Health and Human Services (DHHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs" and subsequent amendments thereto. The company reserves the right to use any of the laboratories so certified to conduct its testing.

The Medical Review Officer (MRO): The MRO shall be a licensed physician qualified in accordance with FMCSR 49CFR, Part 40, Subpart G, 40.121. All test results are reported by the laboratory to the MRO. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with him/her. The MRO may verify a test as positive without having communicated directly with the individual if the conditions of outlined in 40.133 are met. Test results confirmed positive without contact may be appealed to the MRO provided a reasonable explanation is provided for the failure to contact the MRO on a timely basis.

Urine Collection Procedures: The company ensures that all urine collections, whether done on company premises or other location, will be conducted in strict compliance with FMCSR Part 40. Collections will be conducted by persons trained to be responsible for maintaining the integrity of the specimen collection and transfer process while carefully ensuring the privacy of the donor. All handling of the urine specimen from the time it is provided by the donor until the time it is sealed and secured for shipping will be done in the presence of the donor. The donor will certify this by signing the certification statement provided on the MRO's copy of the custody and control form.

Split sample collections: All urine specimens will be collected in accordance with split sample methods outlined in Part 40. In the event of a confirmed positive test result, the driver has the right to request, within 72 hours, that the split sample be tested at another DHHS approved laboratory. *Because of the additional expense of transporting the split sample to a second approved laboratory and the requirement that the confirmation be done by expensive gas chromatography, the cost of having the split sample tested is \$100.00. Because it is highly improbable that the second test will return a result different from the initial test, the company will require the driver to assume this cost, unless prohibited by law.*

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 12

TESTING PROCEDURES - continued Controlled Substances Testing - continued

Integrity & Confidentiality: By following the proper collection procedures in relationship to conducting the collection and transfer of the urine sample in the presence of the driver and requiring the driver to sign a certification statement asserting that the collection was done correctly, the urine containers were sealed with tamper evident seals in his presence, and that the information on the form and the seals is correct, the company can ensure that the results of the controlled substances test is attributed to the correct driver. Because the results of any drug screen are treated as highly confidential, being secured in a location with limited access to all company employees and sub-contractors, and transmitted from the MRO identifying the donor by Social Security Number and test number only, and are transmitted to a secure fax machine, the company can ensure that all test results are transmitted and maintained in a highly confidential manner.

Refusals to test: Any refusal on the part of the driver to cooperate with the collection site personnel in the completion of the collection process will be regarded as a refusal to take the test. **Refusal to submit to testing is prohibited by FMCSR 382.211.**

APPLICABILITY FMCSR 382.103

The regulations mandating alcohol and controlled substances testing apply to every person who operates a commercial motor vehicle in commerce in any State, and is subject to the commercial driver's license requirements of FMCSR 383 or the Mexican or Canadian commercial driver license requirements.

Release of alcohol and controlled substances test information by previous employers, FMCSR 382.413 and 40.25. All drivers should be aware that once this policy goes into effect, the results of their alcohol and controlled substances tests will follow them to their next employer. All employers subject to these regulations (FMCSR 382 and 40) will be required to obtain from all driver applicants signed authorization allowing them to check the previous two years alcohol and controlled substances test results from all of the driver's previous employers, including any refusals to submit to testing. There will not be a segment of the employer population that is not subject to these rules. Every motor carrier, even a one truck owner/operator, will be required to comply with these regulations if he employs drivers that require a commercial driver's license. Within 30 days of hiring a new driver, employers will be required to complete their inquiries of previous employers. FMCSR 40.25 (e) states **If an employer obtains information that the employee has violated a DOT agency drug and alcohol regulation, the employer must not use the employee to perform safety sensitive functions unless the employer also obtains information that the employee has subsequently complied with the return-to-duty requirements of Subpart O of Part 40 and DOT agency drug and alcohol regulations.** Problem drivers will no longer be able to hide behind a cloud of confidentiality; they must get help to continue driving.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 13

REFUSAL TO SUBMIT TO TESTING **FMCSR Part 382 & Part 40**

As we have already discussed in the prohibitions area of this policy, FMCSR 382.211 prohibits all drivers from refusing to submit to an alcohol or controlled substances test that is required by FMCSR 382; and further prohibits the employer from permitting a driver who refuses to submit to required tests to perform or continue to perform safety-sensitive functions. However, drivers should be aware that many acts could be regarded as a refusal to submit to testing. Drivers should avoid any action that could be regarded as a refusal to test, since the consequences arising from a refusal to test are as at least as severe as taking the test and returning a positive result. Aside from a blatant refusal to submit to required testing, the following acts could be regarded as refusals to submit to testing:

- Quitting or resigning after being notified to submit to testing.
- Failure to proceed directly to a collection site as instructed.
- Combativeness or abusive behavior directed toward the testing technician.
- Failure to cooperate with or follow the instructions of the testing technician.
- Failure to provide sufficient urine for testing.
- Failure to provide sufficient breath for testing.
- Failure to remain "readily available" for testing in a post accident situation.
- Refusal to sign "step 2" on an alcohol testing form.

Consequences of a refusal to test: The consequences of refusing to submit to required testing is virtually the same as it would be for testing positive. After a refusal to test the employer is obligated by Federal Law to do the following:

- Immediately remove the driver from the performance of all safety-sensitive functions.**
- Refer the driver to a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substances use.**
- Require the driver to complete the return-to-duty process outlined in Part 40 Subpart O before allowing the driver to return to duty, if the employer wishes to continue to use the driver.**

The company, beyond the required actions mandated by Federal Law, hereby notifies all drivers that a refusal to test, regardless of the circumstances, disqualifies the driver from continued employment in the case of employee drivers and terminates the sub-contractor agreement of those independent contractor drivers operating under the company's authority. Furthermore, any cost associated with referral, evaluation and/or treatment shall be the sole responsibility of the driver/employee.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 14

CONSEQUENCES

Any driver found to have violated any of the prohibitions outlined in Subpart B of FMCSR 382 will be subject to various actions, some of which are mandated by Federal Law, and others which are based on the company's independent authority as an employer. Those actions that are mandated by Federal Law will be clearly referenced, as will those that are based on the employer's independent authority.

IMMEDIATE REMOVAL from SAFETY-SENSITIVE FUNCTIONS FMCSR 382

Violations of Subpart B (PROHIBITIONS) of FMCSR 382. To review those prohibitions of FMCSR 382 Subpart B that were outlined on pages 3 through 5 of this policy, following is a list with FMCSR reference:

382.201	Alcohol Concentration
382.205	On-duty use
382.207	Pre-duty use
382.209	Use following an accident
382.211	Refusal to submit to a required alcohol or controlled substances test.
382.213	Controlled substances use
382.215	Controlled substances testing

Any driver found to have violated Subpart B FMCSR 382 must be immediately removed from the performance of any safety-sensitive function as a matter of compliance with Federal Law. Federal Law further mandates that those drivers found to be in violation of the prohibited conduct outlined in FMCSR 382 Subpart B cannot be returned to duty until such time that the driver has met the return-to-duty requirements of Part 40 Subpart O.

REFERRAL, EVALUATION, and TREATMENT FMCSR Part 40 Subpart O

Any cost associated with referral, evaluation, and treatment is the sole responsibility of the driver/employee.

Each driver who has engaged in conduct prohibited by Subpart B of FMCSR 382 shall be provided a list of Substance Abuse Professionals (SAPs) readily available to the employee and acceptable to the company, with names addresses and phone numbers. There will be no charge to the employee for compiling or providing this list.

Each driver who engages in conduct prohibited by Subpart B or FMCSR 382 shall be evaluated by a substance abuse professional (SAP) acceptable to the company and complete the return-to-duty requirements of Part 40 Subpart O before they can return to the performance of safety sensitive duties for the company or any subsequent employer. *Drivers should be familiar with all the regulations that effect their jobs but the company would like to encourage all our drivers to take the time to read and understand Subpart O.*

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 15

CONSEQUENCES - continued

Release of alcohol and controlled substances test information by previous employers.

It is very important that all drivers understand that the consequences of prohibited conduct can reach far beyond their employment or relationship with the company. FMCSR 382.413 requires all employers to obtain the alcohol and controlled substances testing history of all applicants. **An employer may not use a driver to perform safety-sensitive functions if the employer obtains information on the driver's alcohol test with a concentration of 0.04 or greater, verified positive controlled substances test result, or refusal to be tested by the driver, without obtaining information on a subsequent substance abuse professional evaluation and completion of the return-to-duty requirements of Part 40 Subpart O.**

Every alcohol and controlled substances test you take will follow you for at least two years.

ALCOHOL CONCENTRATIONS LESS THAN 0.04 **FMCSR 382.505**

No driver tested for alcohol who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

Although FMCSR 382.505(b) requires no further action beyond the 24 hour removal from the performance of safety-sensitive functions for an alcohol concentration of 0.02 or greater but less than 0.04, the company reserves the right to take more forcible action, otherwise consistent with law, based on its independent authority as an employer.

All of the consequences discussed so far are mandated by Federal Law. The company must comply, and insure driver compliance with those laws. Federal Regulations establish a minimum requirement for compliance and allow companies the flexibility to establish more stringent guidelines and enforce those more restrictive requirements under independent authority as long as they are otherwise consistent with law. The following portion of the policy will be dedicated to those CONSEQUENCES of violating the policy which are not actions mandated by Federal Law but actions based on the company's independent authority as an employer.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 16

CONSEQUENCES – continued

COMPANY POLICY CONSEQUENCES

Disqualification from continued employment and/or termination of lease agreement. Any violation of the prohibited conduct portion of this policy that calls for the removal of the driver from the performance of safety-sensitive functions shall also disqualify the driver from continued employment with the company or in the case of an independent contractor leased to the company and operating under the company's authority, shall terminate the agreement between the contractor and the company. Should the driver be an employee of an independent contractor, the agreement between the contractor and the company need not be terminated, however, that driver will be disqualified from operating any vehicle that is operated under the company's authority.

Other disciplinary action including written reprimands which will become a part of the driver's employment record, suspension, and termination of employment and/or lease agreement may be taken for any violation of the policy. In the case of alcohol concentration of 0.02 or greater but less than 0.04, the driver shall be removed from the performance of safety-sensitive functions for a minimum of 24 hours, as mandated by Federal Law, for the first such violation; any subsequent violation of this nature will disqualify the driver from further employment and/or terminate the lease agreement.

OTHER COMPANY POLICY CONSIDERATIONS

Public knowledge or suspicion of alcohol misuse or controlled substances use. The company reserves the right to test any driver for alcohol or controlled substances under its independent authority as an employer in situations where the driver's involvement with alcohol misuse or controlled substances use, whether real or implied, is a matter of public knowledge. Such situations could include an arrest involving alcohol or controlled substances, a conviction of an alcohol or drug related offense, behavioral changes reported by other employees or customers to the management of the company. It should be clearly stated that the primary objective of such tests is to fulfill the company's commitment to safety to you, our other employees, our clients and the public. Any tests conducted under the company's independent authority will be conducted as NON-DOT tests and although the driver will be subject to the same consequences regarding continued employment with the company, the driver will not be subject to the DOT required consequences regarding SAP evaluation or the return-to-duty process of Part 40 Subpart O if their employment is terminated. The results of NON-DOT tests will not be shared with subsequent employers.

RE-EMPLOYMENT WITH THE COMPANY

A driver who has had his/her employment or lease terminated because of violations of this policy, may apply for re-employment with the company, provided the company can insure that the driver has complied with Part 40 Subpart O. *Re-employment with the company is not guaranteed but rather will be based on the driver's overall performance history with the company, including compliance with this policy.* Re-employment with the company is not guaranteed under any circumstances.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 17

VOLUNTARY SELF-IDENTIFICATION POLICY FMCSR 382.121

Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of Parts 382 and 40 provided that the following conditions apply:

The admission is in accordance with this policy. The driver does not self-identify in order to avoid testing under the rules of 382. The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and The driver does not perform a safety sensitive function until the company is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the guidelines set forth in this policy.

This policy prohibits the company from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this policy and FMCSR 382.121(a.)

Any voluntary self-admission must be made to the Alcohol and Drug Testing Program Administrator identified on page one of this policy. If the Program Administrator is not available, the self-admission should be made to the senior management official available.

The employee making the self-admission will immediately be removed from the performance of safety sensitive duties and placed on administrative leave, without pay. The employee will be provided with a list of Substance Abuse Professionals acceptable to the company and will have two weeks to report back to the company with an initial report from a SAP on the list outlining treatment and/or educational recommendations. Failure to report back to the company within two weeks will result in the employee being terminated. Reporting back to the company with a SAP evaluation and a plan to pursue the treatment or educational recommendations will effectively extend the employee's status of being on administrative leave, without pay for the period of time needed to complete the recommended course of action.

Upon completion of the SAP's recommended course of action and release to return to duty, the driver must submit to a return-to-duty test for alcohol and/or controlled substances and return a negative result. At that time the driver will be allowed to return to the performance of safety sensitive duties but will be subject to follow-up testing at a rate of at least 6 follow-up tests in the next twelve months. The rate of follow-up tests could increase based on the recommendations of the SAP.

All costs associated with this program, including follow-up testing will be the sole responsibility of the employee. All follow-up testing under the self-identification program will be NON-DOT testing. Any positive tests during this program will be subject to the same consequences of any positive drug or alcohol test.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 18

ALCOHOL and DRUG EFFECTS

Federal regulations require employers to provide their employees with detailed discussion of the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life and the signs and symptoms of alcohol misuse and/or a controlled substances problem. To facilitate this discussion the remainder of this policy presents background information on alcohol and drug effects.

EFFECTS of ALCOHOL

To most people, alcohol is considered a recreational beverage when consumed in moderation during social gatherings; it is a socially acceptable drug that has been consumed around the world for centuries. However, it becomes a dangerous substance of abuse when consumed for its physical and mood-altering effects. A depressant, alcohol slows down physical responses and progressively impairs mental functions. These effects are the primary contributing factors to the high rate of accidents that involve alcohol-affected individuals. The dangers posed by alcohol-impaired drivers were so great that Congress felt compelled to pass legislation mandating alcohol testing for individuals performing safety-sensitive functions, including CDL drivers, and established a blood alcohol content of .02 (1 drink) as a line drivers cannot cross while performing safety-sensitive duties.

SIGNS and SYMPTOMS of ALCOHOL USE

- | | |
|---------------------------------|-------------------------------|
| * Dulled mental processes | * Lack of coordination |
| * Odor of alcohol on breath | * Possible constricted pupils |
| * Sleepy or stuporous condition | * Slowed reaction rate |
| * Slurred speech | |

NOTE: Except for the odor, these are general signs and symptoms of any depressant.

HEALTH EFFECTS

Chronic consumption of alcohol over time may result in the following health hazards: [For the purpose of this discussion, consuming an average of three servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) will be considered chronic consumption.]

- * Decreased sexual functioning
- * Dependency - Up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic."
- * Fatal liver diseases
- * Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 19

EFFECTS of ALCOHOL - continued HEALTH EFFECTS - continued

- * Kidney disease
- * Pancreatitis
- * Spontaneous abortion and neonatal mortality
- * Ulcers
- * Birth defects - Up to 54% of all birth defects are alcohol related.

SOCIAL ISSUES

- * Two thirds of all homicides are committed by people who drink prior to the crime.
- * Two to three percent of the driving population is drunk beyond legal standards at any one time. This rate doubles at night and on weekends.
- * Two-thirds of all the people in this country will be involved in an alcohol-related vehicle accident during their lifetimes.
- * The rate of divorce and separation in families with alcohol dependency problems is seven times greater than average.
- * Forty percent of domestic court cases are alcohol problem related.
- * Alcoholics commit suicide fifteen times more frequently than other segments of the population.
- * More than sixty percent of burns, forty percent of falls, sixty nine percent of boating accidents, and seventy six percent of private aircraft accidents are alcohol related.

EVERY YEAR

- * **24,000 people will die** on the highway due to accidents involving a legally impaired driver. Another **12,000 people will die** on the highway due to the alcohol-affected driver.
- * **15,800 will die** in non-highway accidents that are alcohol related.
- * **30,000 will die** due to alcohol-caused liver disease.
- * **10,000 will die** due to alcohol-induced brain disease or suicide.
- * Up to another **125,000 will die** due to alcohol-related conditions or accidents.

Every year, up to 216,800 lives will be lost that can be directly attributed to alcohol-related conditions or accidents.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 20

EFFECTS of ALCOHOL - continued

WORKPLACE ISSUES

- * It takes one hour for the average person to process one serving of an alcoholic beverage from the body.
- * Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- * A person who is legally intoxicated is **six times more likely to have an accident** than a sober person.

ALCOHOL-RELATED BIRTH DEFECTS

Although you may think that a discussion of birth defects is a little off base for truck drivers, the fact is that this issue is one that touches the lives of people from all walks of life without discrimination. Potential fathers, mothers, uncles, aunts and grandparents should all be aware of the dangers that drinking during pregnancy pose to our unborn children.

DEFINITIONS

Fetal alcohol syndrome (FAS) is one of the top three known causes of birth defects with accompanying mental retardation, and the only preventable cause among those three. Abstaining from alcohol during pregnancy can prevent FAS. FAS is characterized by a cluster of congenital birth defects that develop in the infants of some women who drink heavily during pregnancy. These defects include prenatal and postnatal growth deficiency; facial malformations such as small head circumference, flattened mid-face, sunken nasal bridge and flattened and elongated philtrum; central nervous system dysfunction; and varying degrees of major organ system malformations.

Fetal alcohol effects (FAE), a less severe version of FAS, is characterized by milder or less frequent FAS signs. Low birth weight, subtle behavioral problems or a partial display of physical malformations, for example, may be seen in the newborns of women who consumed less alcohol during pregnancy than women with FAS newborns.

INCIDENCE and RISK FACTORS

Nearly 5,000 babies, one in every 750, are born with FAS every year. FAS prevalence rates range from 1 in 1,000 to 1 in 200. FAE may affect 36,000 newborns each year.

One of every six women between the ages of 18 - 34 (peak childbearing years) may drink enough, either chronically or episodically, to present a hazard to an unborn infant. Alcoholic women are at the highest risk of bearing children with FAS.

FAS is prevalent in 9.8 of every 1,000 American Indians from a particular high-risk culture. Other Am. Indian populations have rates ranging from 1.3 to 10.3 per 1,000.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 21

EFFECTS of ALCOHOL - continued

ALCOHOL-RELATED BIRTH DEFECTS – continued

INCIDENCE and RISK FACTORS - continued

A daily average of one to two reported drinks is linked to decreased birth weight, growth abnormalities and behavioral problems in the newborn and infant. **Increased risk of spontaneous abortion has been found at doses as low as one to two drinks weekly.**

The probability of having a child with FAS or FAE increases with the amount and frequency of alcohol consumed. Whenever a pregnant woman stops drinking, she reduces the risks of FAS and FAE and the consequences of alcohol exposure.

There is no known safe dose of alcohol during pregnancy, nor does there appear to be a safe time to drink during pregnancy.

ECONOMIC FACTORS

Assuming a conservative estimate of one FAS newborn for every 1,000 live births in 1980, it cost approximately \$14.8 million to treat them; \$670 million to treat 68,000 FAS children under 18; and \$760 million to treat 160,000 FAS adults. Plus, indirect productivity losses were 510.5 million.

Women are now heavily targeted for marketing alcoholic beverages.
Women spent 30 billion for alcohol in 1994, up from 20 billion in 1984.

PUBLIC HEALTH RECOMMENDATIONS

The best advice for pregnant women is to abstain from alcohol consumption during pregnancy. There is no evidence to establish an alcohol consumption level free of risks to the fetus.

Women who breast-fed should continue to abstain from drinking alcohol until their babies are weaned. Alcohol readily enters breast milk and heavy alcohol consumption has been shown to reduce lactation.

Nine states and 18 cities/counties require that signs warning of the dangers of drinking during pregnancy be posted wherever alcoholic beverages are served or sold.

ALCOHOLISM

Alcoholism is a primary, chronic disease that is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with alcohol, use of alcohol despite adverse consequences and distorted thinking (most notably denial.)

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 22

EFFECTS of ALCOHOL - continued

THE 9 SIGNS of ALCOHOLISM

1. **Increase in alcohol tolerance.**
"I can drink them under the table."
2. **Occasional or partial memory lapses.**
"Did I really do that last night."
3. **Drinking beyond one's intentions.**
"Boy did I get smashed! I should have eaten something."
4. **Increased dependence on alcohol.**
"I can't wait - got to have a quickie."
5. **Sneaking drinks.**
"I needed that extra one - who's to know?"
6. **Preoccupation with alcohol.**
"Election day tomorrow - better pick up a bottle"
7. **Resentful whenever one's drinking is discussed.**
"It's none of their business - I can handle it."
8. **Futile, frustrating water-wagon attempts.**
"This time I've just got to do it - Just got to!"
9. **Rationalizing loss of control.**
"If they had my problems, they'd drink too!"

ALCOHOL'S TRIP THROUGH the BODY

MOUTH and ESOPHAGUS Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

STOMACH & INTESTINES Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B-1, vitamin B-12, and amino acids.

BLOODSTREAM Ninety-five percent of the alcohol taken into the body is absorbed into the bloodstream through the lining to the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reducing red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 23

EFFECTS of ALCOHOL - continued

ALCOHOL'S TRIP THROUGH the BODY - continued

PANCREAS Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One in every five people who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

LIVER Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

HEART Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, disrupting its normal metabolism.

URINARY BLADDER and KIDNEYS Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

SEX GLANDS Swelling of the prostate caused by alcohol interferes with the ability of the male to perform and interferes with the ability to climax during intercourse.

BRAIN The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive incoordination, confusion, disorientation, stupor, anesthesia, coma, and death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

CLOSING REMARKS on the EFFECTS of ALCOHOL

The purpose of this material is to inform you of the effects of alcohol consumption on your health, and your personal and professional life. Your personal life is certainly your business and it is not the intention of the company to intrude on your privacy. However, the company has a compelling responsibility to protect the safety of you, your co-workers, and the general public to the extent we can.

If you have any questions pertaining to this information or would like the company to assist you in obtaining additional information on the effects of alcohol, contact the Alcohol and Drug Testing Program Administrator, whose name appears on page one of this policy.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 24

EFFECTS of DRUGS

Unlike alcohol, the controlled substances that we are subject to being tested for are not legal, except in those situations where prescribed by a licensed physician. Earlier in this policy, a considerable amount of time was spent discussing the law as it pertains to drugs and transportation workers. The next several pages are dedicated to providing information on the signs and symptoms of controlled substance use and the health effects and workplace issues related to drug use.

MARIJUANA

Marijuana is one of the most underestimated drugs of abuse and certainly one of the most misunderstood. Marijuana is used for its mildly tranquilizing and mood and perception altering effects; it does not depress central nervous system reactions. Marijuana acts almost exclusively on the brain, altering the proper interpretation of incoming messages.

DESCRIPTION

* Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tar-like ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil.

* Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.

* Cigarette papers, roach clip holders and small pipes made of bone, brass or glass are commonly found in the possession of marijuana users. Smoking "bongs", large bore pipes for inhaling large volumes of smoke, can easily be made from soft drink can and toilet paper rolls.

SIGNS and SYMPTOMS of USE

* Reddened eyes (often masked by eyedrops)

* Slowed speech

* Distinctive odor on clothing

* Lackadaisical "I don't care" attitude

* Chronic fatigue and lack of motivation

* Irritating cough, chronic sore throat

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 25

EFFECTS of DRUGS - continued

MARIJUANA - continued

HEALTH EFFECTS

- * When smoked, marijuana has an irritating effect on the lungs. Chronic smoking causes emphysema-like conditions.
- * One marijuana cigarette (joint) contains cancer causing substances equal to one half to one pack of cigarettes.
- * Marijuana is commonly contaminated with the fungus Aspergillis, which can cause serious respiratory tract and sinus infections.
- * One joint causes the heart to race and be overworked, creating extremely high risk to people with undiagnosed heart conditions.
- * Chronic marijuana smoking causes changes in the brain cells and brain waves, making the brain less healthy and causing it to not work as efficiently or effectively. Although researchers have not yet proven that long-term brain damage occurs, ongoing research indicates it most likely does.
- * Marijuana consumption lowers the body's immune system response, making users more susceptible to infection. The Federal government is actively researching a possible connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

PREGNANCY PROBLEMS and BIRTH DEFECTS

- * The active chemical, tetrahydrocannabinol (THC), and sixty other related chemicals in marijuana focus in the ovaries and testes.
- * Chronic smoking of marijuana in males causes a decrease in the sex hormone, testosterone, and an increase in the female sex hormone, estrogen. The result is a lower sperm count, which leads to temporary sterility. Occasionally, the onset of female sex characteristics occurs in heavy users, including breast development.
- * Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- * Pregnant women who are chronic marijuana users have higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rates during the first few days of life.
- * THC causes birth defects in test animals, including malformations of the brain, spinal cord, forelimbs and liver as well as water on brain and spine.
- * One of the most common effects of prenatal exposure to cannabinoids is low birth weight.
- * The offspring of animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons have concluded that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the feet and hands.
- * Fetal exposure to marijuana may decrease visual functioning and cause other ophthalmic problems.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 26

EFFECTS of DRUGS - continued

MARIJUANA - continued

MENTAL FUNCTION

Regular use of marijuana can cause the following effects:

- * Delayed decision making
- * Diminished concentration
- * Erratic cognitive function
- * Distortions in time estimation
- * Impaired short-term memory, interfering with learning
- * *Impaired signal detection (ability to detect a brief flash of light), a risk for users who operate machinery*
- * Impaired tracking (ability to follow moving objects with the eyes) and visual distance measurements
- * Long term negative effects on mental function know as "acute brain syndrome" which is characterized by disorders in memory, cognitive function, sleep patterns and physical condition.

ACUTE / OVERDOSE EFFECTS

- | | | |
|--|------------------|---------------------|
| * Aggressive urges | * Anxiety | * Confusion |
| * Fearfulness | * Hallucinations | * Heavy sedation |
| * Immobility | * Panic | * Paranoid reaction |
| * Unpleasant distortions in body image | | * Mental dependency |

WORKPLACE ISSUES

- * THC is stored in body fat and slowly released over time. Marijuana has a long-term impact on performance.
- * The potency of marijuana (THC content) has increased 500 to 800% in the past several years, making three to five joints today equal to fifteen to forty in 1978.
- * Combining alcohol or other depressant drugs with marijuana can produce a multiplied effect, increasing the effects of both the marijuana and the depressant.

A CLOSING WORD on MARIJUANA

Due to the nature of marijuana, being stored and release over a long period of time, it's the most dangerous drug tested for in transportation, at least in terms of putting your livelihood in jeopardy. A single joint can linger in your system for many weeks, long after the initial effects of the drug have disappeared. Testing positive will cost you a lot of time and money, and make it difficult to find employment, since new laws make employers check the drug and alcohol testing history of applicants. Testing positive for marijuana will cost more drivers their jobs than all of the other drugs and alcohol combined.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 27

EFFECTS of DRUGS - continued

COCAINE

Cocaine was once commonly used medically as a local anesthetic but is rarely used medically today. It is abused as a powerful physical and mental stimulant causing the entire nervous system to be energized, muscles to become tenser, the heart to beat faster and stronger, and the body to burn more energy. The brain experiences exhilaration caused by a large release of neurohormones associated with mood elevation.

DESCRIPTION

* The source of cocaine is the coca bush which is grown almost exclusively in the mountains of northern South America.

* **Cocaine Hydrochloride**, or "snorting coke" is a white or creamy colored, granular or lumpy powder that is chopped into a fine powder before it's used. It is snorted into the nose, rubbed on the gums or injected in veins. The effect is felt within minutes and usually lasts about 40 to 50 minutes per "line" (about 60 to 90 milligrams.) Paraphernalia most common to cocaine users include a single-edge razor blade, a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.

* **Cocaine Base**, or "rock, crack or free base", is a small crystalline rock the size of a small pebble. It boils at a very low temperature, is up to 90% pure, and is not soluble in water. It is most commonly heated in a glass pipe and the vapor is inhaled; the effect is felt within seven seconds. Paraphernalia most common is a "crack pipe" (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp or small butane torch for heating.

Cocaine causes the strongest mental dependency of any drug known.

SIGNS and SYMPTOMS of USE

- | | |
|---|--|
| * Financial problems | * Wide mood swings |
| * Runny or irritated nose | * Difficulty in concentration |
| * Insomnia | * Dilated pupils and visual impairment |
| * Restlessness | * Hallucinations |
| * Paranoia with hallucinations | * Profuse sweating and dry mouth |
| * Talkativeness | * Violent reaction to sudden noise |
| * Frequent and extended absences from work assignments | |
| * Increased physical activity and fatigue | |
| * Isolation and withdrawal from friends and normal activities | |
| * Secretive behavior, frequent non-business visitors | |
| * Delivered packages, increased frequency of personal phone calls | |
| * Unusual defensiveness, anxiety, agitation | |
| * Formication (sensation of bugs crawling on skin) | |
| * High blood pressure, heart palpitations and irregular rhythm | |
| * Hyperexcitability and overreaction to stimulus | |

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 28

EFFECTS of DRUGS - continued

COCAINE - continued

HEALTH EFFECTS

- * Research suggests that regular cocaine use may upset the chemical balance of the brain, resulting in a speeding up of the aging process by causing irreparable damage to critical nerve cells. The onset of illnesses of the nervous system such as Parkinson's disease could also occur.
- * Cocaine ingestion causes the heart to beat faster and harder rapidly increasing blood pressure. Additionally it causes spasms of blood vessels in the brain and heart and could cause vessels to rupture causing heart attacks and strokes.
- * Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days with crack use or within several months when snorting coke. Cocaine caused the strongest mental dependency of any known drug.
- * The success rates are lower in treatments for cocaine dependency than for other chemical dependencies.
- * When taken in conjunction with depressant drugs, including alcohol, cocaine is extremely dangerous. Death due to overdose is rapid. The fatal effects of an overdose of cocaine are almost never reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.

WORKPLACE ISSUES

- * *Extreme mood and energy swings create instability.*
- * Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- * The high cost of cocaine can lead to workplace theft and/or dealing.
- * A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- * Work performance is characterized by forgetfulness, absenteeism, tardiness and missed assignments.

A CLOSING WORD on COCAINE

Although cocaine doesn't linger in a person's system as long as marijuana when detected it often raises more serious concerns from employers. Remember, that the law requires employers to educate themselves, their supervisors and their employees on the effects of alcohol misuse and controlled substances use. They are not as easy to fool as they used to be. Employers are smarter than they used to be and frankly, old excuses just won't fool them any longer. The testing procedures followed by certified laboratories leave no doubt as to the accuracy of results and the employer knows it. When an employee tests positive for cocaine the employer knows they have an employee who has *recently used the most addictive drug known to man*. It is highly likely that the employee has a serious drug problem. If the employee is indeed addicted, treatment for cocaine addiction has proven to be less successful than other addictions. Faced with Federal regulations that require evaluation, treatment, and expensive follow-up testing, most employers will just opt out. And potential new employers will have access to your drug testing history, including the substances you tested positive for. A positive drug test for cocaine could end your driving career.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 29

EFFECTS of DRUGS - continued

OPIATES

Opiates are narcotic drugs that alleviate pain, depress body functions and reactions, and when taken in large doses, cause a strong euphoric feeling

DESCRIPTION

** Natural and natural derivatives are opium, morphine, codeine, and heroin.*

- * Synthetic opiates include meperidine, marketed as Demerol; oxymorphone, marketed as Numorphan; and oxycodone, marketed as Percodan.
- * Opiates may be taken in pill form, smoked or injected depending on the type of narcotic used.

SIGNS and SYMPTOMS of USE

- * Mood changes
- * Impaired mental functioning and alertness
- * Constricted pupils
- * Depression and apathy
- * Impaired coordination
- * Physical fatigue and drowsiness
- * Nausea, vomiting and constipation

HEALTH EFFECTS

- * I-V needle users have a high risk of contracting hepatitis and AIDS due to the sharing of needles.
- * Narcotics increase pain tolerance which could result in people more severely injuring themselves or failing to seek medical attention after an accident due to lack of pain sensitivity.
- * The effect of narcotics is multiplied when used in combination with other depressant drugs and alcohol, causing an increased risk of an overdose.

SOCIAL ISSUES

- * *The U.S. has over 500,000 heroin addicts, most I-V needle users.*
- * An even greater number of medicinal narcotic dependent persons obtain their narcotics through prescriptions.
- * Because of tolerance, there is an ever increasing need for more narcotics to produce the same effect. **Strong mental and physical dependency occurs.**
- * The combination of tolerance and dependency creates an increasing financial burden for the user.

WORKPLACE ISSUES

- * Unwanted side effects such as nausea, dizziness and drowsiness place the user at a higher risk for accidents.
- * Although narcotics have a legitimate medical use, workplace use may cause impairment of physical and mental function.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 30

EFFECTS of DRUGS – continued

AMPHETAMINES

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration of higher doses are the reason for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illicitly made in foreign countries and smuggled into the U.S. or produced clandestinely in crude laboratories.

DESCRIPTION

- * Amphetamine, or "speed," is usually sold in capsules or as white flat, double-scored "mini bennies" and is usually taken orally.
- * Methamphetamine, also known as "meth," "crank," or "crystal" is nearly identical in action to amphetamine. It is often sold as a creamy, white and granular powder of in lumps and is packaged in aluminum foil wraps or plastic bags. Methamphetamine may be taken orally, injected or snorted into the nose.

SIGNS and SYMPTOMS of USE

- | | |
|---|----------------------------|
| * Hyperexcitability and/or restlessness | * Dilated pupils |
| * Increased heart rate and blood pressure | * Profuse sweating |
| * Heart palpitations and irregular beats | * Rapid respiration |
| * Confusion and/or Panic | * Inability to concentrate |
| * Talkativeness | |

HEALTH EFFECTS

- * Regular use of amphetamines produces strong psychological dependence and increasing tolerance to the drug.
- * High doses may cause toxic psychoses resembling schizophrenia.
- * Intoxication may induce heart attack or stroke due to spiking of blood pressure.
- * Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.
- * The euphoric stimulation increases impulsive and risk-taking behavior, including bizarre and violent acts.
- * Withdrawal from the drug may result in severe physical and mental depression.

WORKPLACE ISSUES

- * Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- * Low dose amphetamine use will cause a short term improvement in mental and physical functioning, but with greater use and/or increasing fatigue the effect reverses and has an impairing effect. Hangover is characterized by physical fatigue and depression, making operation of equipment or vehicles dangerous.

A CLOSING WORD on AMPHETAMINES

The use of amphetamines should never be necessary in transportation. Drivers must get proper rest to avoid fatigue and operate safely.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 31

EFFECTS of DRUGS - continued

PHENCYCLIDINE (PCP)

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. PCP acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood altering effects. Low doses produce sedation and euphoric mood changes, however, the mood can change rapidly from sedation to excitation and agitation. Larger doses can produce a coma-like condition with muscle rigidity and a blank stare, with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

DESCRIPTION

- * PCP is sold as a creamy, granular powder and often packaged in one inch square aluminum foil or folded paper packets.
- * It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.

SIGNS and SYMPTOMS of USE

- | | |
|-------------------------|----------------------------------|
| * Impaired coordination | * Severe confusion and agitation |
| * Extreme mood shift | * Muscle rigidity |
| * Dilated pupils | * Nystagmus (jerky eye movement) |
| * Profuse sweating | * Rapid heartbeat |
| * Dizziness | |

HEALTH EFFECTS

- * The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- * PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- * PCP hallucinations can easily be misdiagnosed as LSD induced, and then treated with Thorazine, which could cause a fatal reaction.
- * Use can cause memory loss, personality changes, and thought disorders.

WORKPLACE ISSUES

- * PCP abuse is less common today than in recent years and is not generally used in the workplace setting because of the severe disorientation that occurs.
- * There are four phases to PCP abuse. The first, **acute toxicity**, can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, **toxic psychosis**, may cause users to experience visual and auditory delusions, paranoia and agitation. **Drug induced schizophrenia** is the third phase and may last a month or longer. The fourth phase, **PCP induced depression** is characterized by suicidal tendencies and mental dysfunction that can last for months.

CONTROLLED SUBSTANCES and ALCOHOL POLICY

page 32

This concludes our discussion of the specific substances that you are subject to testing for. Questions should be directed to the program administrator identified on page one.

INTERVENTION

If you have reason to believe that a fellow employee is performing safety-sensitive duties under the influence of alcohol or controlled substances, notify the program administrator **confidentially**. While the company does not expect you to inform on your co-workers, you too have a compelling responsibility to the safety of those around you, including the general public. Any information of this nature divulged to the program administrator will be treated with the highest level of confidentiality so as to protect both the accused and the accuser. If you witness behavior that leads you to believe that an employee may be under the influence turn it over the professional trained to handle these situations. There may be other reasons for a person to display symptoms such as illness, fatigue, family problems, or other reasons not readily apparent. The program administrator is trained to get to the bottom of abnormal behavior.

WHY SHOULD YOU REPORT STRANGE BEHAVIOR?

- * You could be saving the life of the employee you report.**
- * You could be saving the lives of others, even your own.**
- * The behavior of all the employees of the company reflects directly on the image of the company and its other employees.**
- * The public comes in contact with hundreds of drivers every day, but only seem to remember the bad ones.**

SHOULD YOU CONFRONT A SUSPICIOUS EMPLOYEE?

It is difficult to ask you to actively supervise your fellow employees when that is not part of your job, however there is certainly nothing wrong with "leading by example" and letting your fellow employees know where you stand of the subject of alcohol and drug use. Let it be known that you will not tolerate blatant violations of this policy and will report anyone foolish enough to violate in your presence. Do not get into an argument with another employee - pass it on to the program administrator.

CERTIFICATE OF RECEIPT

I certify that I have received a copy of the Controlled Substances and Alcohol Policy for PTS of America, LLC as required by 49CFR Part 382, Subpart F, 382.601.

I understand that the management of the company is available to discuss any and all aspects of this policy should I have questions.

I agree to comply with all Federal Regulations dealing with the use and possession of alcohol and controlled substances as well as all of the company policies of the company.

(Name - please print)

(Social Security Number)

(Signature)

I certify that I have given the above named person a copy of the Controlled Substances and Alcohol Policy of the company.

I have discussed and/or made myself available to answer any questions regarding this company policy.

(Name of company official - please print)

(Signature)

Date



PTS POLICY DIRECTIVE

Updated February 25, 2014

Subject: PRISON RAPE ELIMINATION ACT OF 2003 (PREA)

PTS of America has zero tolerance relating to the sexual assault/rape of offenders and recognizes these offenders as crime victims. PTS will immediately respond to allegations, fully investigate reported incidents, pursue disciplinary action, and refer for investigation and prosecution those who perpetrate such conduct.

Administrative Investigation – Any agency investigation that is not conducted for the purpose of law enforcement or criminal prosecution.

Offender – Any individual in the custody or under the supervision of PTS or its contracted service providers.

PREA Coordinator – The official responsible for the coordination and compliance monitoring of the Prison Rape Elimination Act of 2003 at PTS.

Sexual Misconduct

PREA covers incidents of non-consensual sexual acts, offender on offender sexual abuse, and staff sexual misconduct and harassment.

1. Non-consensual Sexual Act: An incident in which one or more of the following acts occurs without the offender's consent or the offender is unable to consent or refuse. PTS does not acknowledge any sexual act involving a staff member as consensual.

Subject: PRISON RAPE ELIMINATION ACT OF 2003 (PREA)

a. contact between the penis and the vagina or the penis and the anus involving penetration, however slight. It does not include kicking, grabbing, or punching genitals when the intent is to harm rather than sexually exploit;

b. contact between the mouth and the penis, vagina, or anus; and

c. penetration of the vagina or anus of another person by hand, finger, or other object.

2. **Offender on Offender Sexual Abuse:** Sexual contact between offenders without the offender's consent, or in which the offender is unable to consent or refuse. This includes one or more of the following behaviors:

a. intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the victim.

b. sexual contact does not include kicking, grabbing, or punching genitals when the intent is to harm or debilitate rather than sexually exploit.

3. **Staff Sexual Misconduct:** Any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, contractor, official visitor, or other agency representative; sexual relationships of a romantic nature between staff and offenders are included in this definition. Consensual or nonconsensual sexual acts are defined as follows:

a. intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire;

b. completed, attempted, threatened, or requested sexual acts; and

c. occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

4. **Staff Sexual Harassment:** Repeated verbal statements or comments of a sexual nature to an offender by an employee, volunteer, contractor, official visitor, or other agency representative. Behaviors may include:

a. demeaning references to gender or derogatory comments about body or clothing; and

b. repeated profane or obscene language or gestures.

B. Staff Responsibilities

1. The PTS PREA coordinator is responsible for oversight of all Prison Rape Elimination Act (PREA)-related activities.

2. The PREA coordinator will:

a. coordinate and develop procedures to identify, monitor, and track sexual misconduct incidents involving prisoners in PTS custody;

b. maintain related statistics;

c. supervise the PREA investigator; and

d. conduct audits to ensure compliance with PTS policy and the Prison Rape Elimination Act of 2003.

- e. coordinate/program PREA-related activities;
- f. ensure program compliance with training requirements,
- g. coordinate activities with the PREA coordinator, and
- h. track and report PREA statistical data to the PREA coordinator.

4. The PREA investigator will conduct criminal investigations of alleged incidents of sexual misconduct in cooperation with local law enforcement as needed.

D. Offender Reporting

1. Reporting Incidents

a. offenders who are victims of or have knowledge of sexual misconduct should immediately report the incident to a staff member. Offenders are not required to go through the informal resolution step to report allegations of sexual misconduct. PTS staff will process such grievances as a high priority to the PTS PREA coordinator.

2. Offenders are not required to file written reports; however, staff who receive verbal reports from offenders are required to file written incident reports as set forth in this policy.

3. False Reporting

Substantiated deliberately malicious or false reports by offenders or other parties will result in disciplinary action or criminal charges.

4. Retaliation

Retaliation against offenders, employees, or other parties for reporting sexual misconduct will not be tolerated. Those who retaliate may face disciplinary action, up to and including dismissal for employees.

E. Prevention

1. All staff and offenders will be alert to signs of potential situations in which sexual misconduct might occur. Signs may include:

- a. staff/offenders being overly friendly;
- b. offering money, extra food, favors, etc.
- c. security threat group activity.

2. All personnel will identify, assess, and manage offenders with special needs, including those who are potentially vulnerable and potentially dangerous, to provide safe seating during transport and adequate protection.

F. Intervention

1. Staff who receive an initial report of sexual misconduct will ensure that the initial evidence is verified.

After the evidence is verified, staff will:

- a. separate the victim from the alleged assailant to protect the victim and prevent further violence;
- b. promptly intervene on the victim's behalf to ensure prompt medical and psychological assistance, as appropriate to victim's needs and the circumstances of the alleged offense; and
- c. refer the victim for an assessment for potential risk of suicide.

2. Psychological trauma may occur to individuals other than the victim of sexual misconduct. Mental health staff must be available to support and assist those in need.

3. The OIC must refer victims of sexual misconduct to the destination agency. Agents will refer incidents of sexual misconduct to the OIC immediately who will in turn notify the Nashville Headquarters Office.

- a. Anytime an offender reports sexual misconduct the victim must be taken to the first available emergency room for examination.

G. Examination of Sexual Assault Victims

1. With the victim's permission, PTS staff will immediately transport the victim to the closest medical facility to evaluate and treat sexual assault/rape victims.

2. If the alleged sexual misconduct is reported more than 72 hours after the incident with the victim's permission, PTS staff will still take the victim to the closest medical facility to evaluate and treat sexual assault/rape victims.

3. If the victim refuses medical or mental health attention following a sexual misconduct incident or allegation, staff will document the refusal on the Medical Treatment Refusal Form.

H. Offender on Offender Sexual Misconduct

a. regardless of its source, PTS staff, contract employees, and volunteers who receive information concerning offender on offender sexual misconduct, or who observe an incident of offender on offender sexual misconduct, or have reasonable cause to suspect an offender is a victim of sexual misconduct, must immediately report the information or incident directly to their immediate supervisor and/or OIC. The OIC will inform the PTS PREA Coordinator immediately.

I. Staff on Offender Sexual Misconduct

a. regardless of its source, PTS staff and contract employees who receive information concerning staff on offender sexual misconduct, or who observe an incident of staff on offender sexual misconduct, or have reasonable cause to suspect an offender is a victim of sexual misconduct, must immediately report

the information or incident directly to the PTS PREA Coordinator. The assigned investigator will notify local law enforcement of any criminal findings.

d. any employee who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary action, up to and including dismissal, and possible criminal prosecution.

J. Security Procedures

1. Staff will follow appropriate security procedures, which include:

- a. providing mental health and medical assistance for the alleged victim as soon as possible;
- b. separating the victim from the alleged perpetrator;
- c. taking reasonable measures to identify, isolate, and separate witnesses;
- d. securing the incident scene so items cannot be removed or introduced; and
- e. allowing only assigned investigators to assess the scene.

K. Investigative Protocols of Sexual Assaults

1. The OIC, or designee, will initiate the Sexual Assault Response and Containment Checklist. The completed checklist must be forwarded by fax to the PTS PREA Coordinator at 615-352-9737.

2. PTS staff assigned to investigate will submit an incident report, to the PTS PREA Coordinator.

L. Documentation

1. All staff who witness or have knowledge of alleged sexual misconduct must submit an incident report before the end of their shift. This includes staff that secured the incident scene, transported offenders, or talked to possible witnesses.

2. At the completion of a criminal investigation, the PREA investigator, or designee, will notify the PTS Coordinator.

M. Staff Training

1. PTS staff with direct and/or incidental contact with offenders will receive documented PREA training during orientation and annually thereafter.

2. Training will include, but is not limited to:

- a. review of this policy, the Prison Rape Elimination Act (PREA), and any other applicable state or federal laws;
- b. prevention, investigation, and prosecution of sexual misconduct;

- c. zero tolerance stance;
- d. recognition of sexual misconduct, predatory offenders, potential victims, and/or staff involvement;
- e. facility procedures on sharing confidential information;
- f. reporting procedures;
- g. an offender's right to be free from sexual misconduct;
- h. offender and employee rights to be free from retaliation for reporting sexual abuse;
- i. the dynamics of sexual abuse in confinement; and
- j. common reactions of sexual abuse victims.

N. Data Collection/Tracking

1. The PREA coordinator, or designee, will compile records and report statistical data to the Federal Bureau of Justice on an annual basis as required by the Prison Rape Elimination Act of 2003.
2. Designated PTS staff will retain records including incident and investigative reports, offender information, case disposition, medical